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Spiritism, Hypnotism and Telepathy

AS INVOLVED IN THE CASE OF

Mrs. Leonora E. Piper and the Society of Psychical Research,

BY

Clark Bell, Esq., LL. D.

PRESIDENT MEDICO-LEGAL SOCIETY.

AND THE

DISCUSSION

Before the New York Medico-Legal Society and its Psychological Section,

BY

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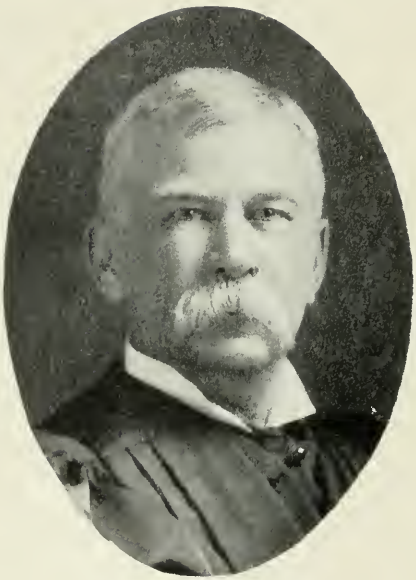

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1902.

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TUBERCULOSIS.

ON THE RELATIONSHIP BETWEEN HUMAN AND BOVINE TUBERCULOSIS

BY J. G. ADAMI, M. D., OF MONTREAL,
Professor of Pathology, McGill University; Pathologist to the Agricultural Department, Dominion of Canada.

[*Concluded from March Journal.*]

"An almost equally striking distinction between human and bovine tuberculosis was brought to light by a feeding experiment with swine. Six young swine were fed daily for three months with the tubercular sputum of consumptive patients. Six other swine received bacilli of bovine tuberculosis with their food daily for the same period. The animals that were fed with sputum remained healthy and grew lustily, whereas those that were fed with the bacilli of bovine tuberculosis soon became sickly, were stunted in their growth, and half of them died. After three months and a half the surviving swine were killled and examined. Among the animals that had been fed with sputum no trace of tuberculosis was found, except here and there little nodules in the lymphatic glands of the neck, and in one case a few gray nodules in the lungs. The animals, on the other hand, which had eaten bacilli of bovine tuberculosis had, without exception (just as in the cattle experiment), severe tubercular disease, especially tubercular infiltration of the greatly enlarged lymphatic glands of the neck and of the mesenteric glands, and also extensive tuberculosis of the lungs and the spleen.

"The difference between human and bovine tuberculosis appeared not less strikingly in a similar experiment with asses, sheep and goats, into whose vascular systems the two kinds of tubercle-bacilli were injected.

"Our experiments, I must add, are not the only ones that have led to this result. If one studies the older literature of the subject, and collates the reports of the numerous experiments that were made in former times by Chauveau, Guenther and Harms, Bollinger, and others, who fed calves, swine

and goats with tubercular material, one finds that the animals that were fed with the milk and pieces of the lungs of tubercular cattle always fell ill of tuberculosis, whereas those that received human material with their food did not. Comparative investigations regarding human and bovine tuberculosis have been made very recently in North America by Smith, Dinwiddie and Frothingham, and their result agreed with that of ours. The unambiguous and absolutely conclusive result of our experiments is due to the fact that we chose methods of infection which exclude all sources of error, and carefully avoided everything connected with the stalling, feeding, and tending of the animals that might have a disturbing effect on the experiments.*

"Considering all these facts, I feel justified in maintaining that human tuberculosis differs from bovine, and cannot be transmitted to cattle. It seems to be very desirable, however, that these experiments should be repeated elsewhere in order that all doubt as to the correctness of my assertion may be removed.

"I wish only to add that, owing to the great importance of this matter, the German Government has appointed a commission to make further inquiries on the subject.

"But, now, how is it with the susceptibility of man to bovine tuberculosis? This question is far more important to us than that of the susceptibility of cattle to human tuberculosis, highly important as that is too. It is impossible to give this question a direct answer, because, of course, the experimental investigation of it with human beings is out of the question. Indirectly, however, we can try to approach it. It is well known that the milk and butter consumed in great

"In reality, however, it is not so. That a case of tubercu-

*As I have pointed out elsewhere (Canadian Journal of Medicine and Surgery, Nov., 1901), and as others in the United States have noted. Koch here by no means gives to American workers the credit that is their due. In 1893 Gaiser, working under Baumgarten, of Tubingen, had inoculated one cow with human, another with bovine bacilli and had obtained negative results with the former and rapidly developing miliary tuberculosis with the latter. This, it will be seen, was a single observation, and it attracted little attention. The credit lies with Frothingham, Theobald Smith and Dinwiddie, who, by carefully planned experiments free from all sources of error, established the fact that cattle are in general immune to pure cultures of tubercle bacilli derived from man. Koch and Schutz at most confirmed these observations, which, it may be added, appeared before these last observers began their series of studies.

cities very often contain large quantities of the bacilli of bovine tuberculosis in a living condition, as the numerous infection-experiments with such dairy products on animals have proved. Most of the inhabitants of such cities daily consume such living and perfectly virulent bacilli of bovine tuberculosis, and unintentionally carry out the experiment which we are not at liberty to make. If the bacilli of bovine tuberculosis were able to infect human beings, many cases of tuberculosis caused by the consumption of aliments containing tubercle-bacilli could not but occur among the inhabitants of great cities, especially the children. And most medical men believe that this is actually the case.

losis has been caused by aliments can be assumed with certainty only when the intestine suffers first—i. e., when a so-called primary tuberculosis of the intestine is found. But such cases are extremely rare. Among many cases of tuberculosis examined after death, I myself remember having seen primary tuberculosis of the intestine only twice. Among the great post-mortem material of the Charite Hospital in Berlin ten cases of primary tuberculosis of the intestine occurred in five years. Among 933 cases of tuberculosis in children at the Emperor and Empress Frederick's Hospital for Children, Baginsky never found tuberculosis of the intestine without simultaneous disease of the lungs and the bronchial glands. Among 3,104 post-mortems of tubercular children, Biedert observed only sixteen cases of primary tuberculosis of the intestine. I could cite from the literature of the subject many more statistics of the same kind, all indubitably showing that primary tuberculosis of the intestine, especially among children, is a comparatively rare disease, and of these few cases that have been enumerated, it is by no means certain that they were due to infection by bovine tuberculosis. It is just as likely that they were caused by the widely propagated bacilli of human tuberculosis, which may have got into the digestive canal in some way or other—for instance, by swallowing saliva of the mouth. Hitherto nobody could decide with certainty in such a case whether the tuberculosis of the intestine was of human or of animal origin. Now we can diagnose them. All that is necessary is to cultivate in pure culture the tubercle-bacilli found in the tubercular material, and to ascertain whether they belong to bovine tuberculosis by inoculating cattle with them. For

this purpose I recommend subcutaneous injection, which yields quite specially characteristic and convincing results.* For half a year past I have occupied myself with such investigations, but, owing to the rareness of the disease in question, the number of the cases I have been able to investigate is but small. What has hitherto resulted from this investigation does not speak for the assumption that bovine tuberculosis occurs in man,

"Though the important question whether man is susceptible to bovine tuberculosis at all is not yet absolutely decided, and will not admit of absolute decision today or tomorrow, one is nevertheless already at liberty to say that, if such a susceptibility really exists, the infection of human beings is but a very rare occurrence. I should estimate the extent of infection by the milk and flesh of tubercular cattle, and the butter made of their milk, as hardly greater than that of hereditary transmission, and I therefore do not deem it advisable to take any measures against it."

After these statements he concludes that the only main source of infection of tuberculosis being the sputum of consumptive patients, the measures for the combating of tuberculosis must aim at the prevention of the dangers arising from its diffusion. And from this point he proceeds to take up over-crowded, bad hygienic conditions, sanitaria and so on.

Let me now discuss the above statements. It will be seen that they divide themselves into three parts, (1) a study of the transmissibility of human tuberculosis to cattle; (2) a study of trasmissibility of bovine tuberculosis to man, and (3) the conclusions to be drawn from the facts and inferences set forth. It will be well to consider these in order.

1. The transmissibility of tuberculosis from man to cattle.

I. THE TRANSMISSIBILITY OF TUBERCULOSIS FROM MAN TO CATTLE:

From what I have stated in my preliminary remarks and it must be accepted that experimental inoculation of pure cultures of tubercle bacilli derived from man (bacilli which are virulent for rabbits and guinea-pigs), leads to little or no result in cattle; the bacilli are practically harmless. It must

*This method had been previously recommended by Theobald Smith.

however be clearly recognized that this is not the same as saying that human tuberculosis is never conveyed to cattle (1),as Hueppe points out, different breeds of domestic animals react differently towards various diseases. Most breeds of swine are insusceptible to anthrax and this led to the statement that this disease cannot be given to them, but more recently some breeds are recorded as being liable to succumb thereto. It is possible that further study will show that certain cattle can be infected with pure cultures of the human tubercle bacilli. At most it may be laid down that the results gained by observers in widely separated regions in Europe and America upon the effects of inoculating young cattle (which are more susceptible and less resistant to tuberculosis and infectious diseases in general than are fully grown animals), indicate that the majority of cattle are not liable to be infected by human tubercle bacilli.

(2). A more important consideration is that we must clearly distinguish between experimental and natural infection. Because under the conditions of the experiments observers have obtained negative results, it does not follow that under all conditions the infection cannot be conveyed. As a matter of fact we realize more and more that the mere presence of virulent bacteria is not sufficient to set up the disease, that an equally important factor is the condition of the system. Thus in connection with this very matter of tuberculosis in man we know that, while all are exposed to infection, at most 7 per cent. die of the disease; those in good health resist infection, that this infection is specially liable to occur when the system has been lowered by other infectious diseases so that an attack of tuberculosis is notably liable to be dated from an attack of la grippe, pneumonia, typhoid and other acute infections. So it may well be that natural infection is possible; indeed Crookshank's observation already referred to proves that this is the case. It will be remembered, that, injecting under the skin of the calf sputum from cases of phthisis, he introduced also suppurative microbes and caused abscess formation, and, when the animal died, found distinct evidence of acute though not very extensive tubercular infection. Delepine of Manchester during the last few weeks would appear to have obtained results of a like order. Judging from his preliminary note he is causing

tuberculosis in calves by injecting a mixture of phthisical sputum containing tubercle bacilli derived from several individuals, together with other micro-organisms.

Ravenel's observations, communicated also to the British Congress, clearly point to the same conclusion. He found, taking four calves and inoculating them intraperitoneally with 10 cc. of human tuberculous sputum from different sources but all containing a large number of tubercle bacilli, that one showed no ill effects and at the autopsy was found to be entirely free from the disease, the other three all become infected with tuberculosis, the lesions in two being quite extensive. Making an emulsion from the material of well developed tubercular nodules of these last two cases he inoculated 20 cc. of these emulsions, which were found rich in bacilli, into two other calves. The result was absolutely negative in the one animal, practically so in the other. Ravenel concludes that since both calves received a much larger number of tubercle bacilli in the emulsion than did those which were inoculated directly with the sputum, the development of the disease in the latter must have been due to a mixed infection which operated to the advantage of the tubercle bacilli. The attempt to infect two calves with human sputum by the digestive tract failed wholly. Herein he confirmed the previous results of Sydney Martin, and the earlier French and German observers, and Koch's recent results.

It is generally held that in experimental inoculations one overcomes the resistance of the body tissues by introducing microbes in very much greater qauntity than ever by any possibility gain entrance in the course of a natural infection. As I have emphasized in previous reports the number of pathogenic bacteria introduced is one factor in the production of disease. Where a mixed infection is set up, the suppurative microbes, growing rapidly, may permit the human tubercle bacilli introduced at the same time to grow with little hindrance until their number is so great as to overcome the resistance of the tissues and so gain a definite foothold. What is more, it may be that these other microbes in their growth may give the bacilli time to "accommodate" themselves to the changed conditions of existence, so that gradually they assume properties harmful to the organism of their

host. The power we possess of making the tubercle bacilli from birds grow in rabbits, etc. (Nocard, Hueppe and Fischel), affords evidence of this accommodation; Ravenel's observations (Univ. of Penn. Med. Bull. September, 1901) that human bacilli passed through hogs gain an increased virulence for guinea-pigs and rabbits, point in the same direction.

Striving to balance these various factors and possibilities I am inclined to conclude that while human tuberculosis may be conveyed to cattle, circumstances favoring this transmission under natural conditions will be found to occur very rarely, so rarely that, for practical purposes, we may neglect this as a cause of tuberculosis in cattle. Or in other words, it is safe to lay down as a practical rule that tuberculosis developing in cattle is derived from previous cases of the disease in other cattle, or it may be in other herbivorous animals and from these only. From which it follows that measures calculated to lead to the eradication of bovine tuberculosis may be undertaken with a full prospect of success even in districts where human tuberculosis is frequent and is permitted to continue unchecked.

2. ON THE TRANSMISSIBILITY OF BOVINE TUBERCULOSIS TO MAN:

Under the above heading, as indeed was the case in the previous section, two distinct issues have to be considered, (i) the possibility of transmission, and (ii) the relative frequency of such transmission of the disease from the one to the other species. Most writers on the subject have confused the two, yet a little consideration will show that they are not directly related. It is possible, for example, that, while tuberculosis may be transmitted from cattle to man, Professor Koch's conclusion is in the main correct, namely, that it occurs so rarely as to be outside the range of practical politics. Or otherwise, in order to prove the extent to which this transmission is a danger to the community and to determine the need for special legislation, the demonstration of a definite case or cases of transmission having occurred, is not all that is needed; it is necessary to show that transmission occurs with sufficient frequency to constitute a menace in the well-being of the community.

Let me be permitted here to anticipate matters and state that I am of an open mind upon this point; that, on the one

hand, with Baumgarten and Ribbert and other German authorities who wrote prior to Koch's latest utterances, I believe that the danger has been exaggerated; that I believe the transmission to be infrequent; but that on the other hand I consider that the transmission has been demonstrated;that it is more frequent than Koch has indicated; that in one class of the community, namely little children, the transmission does occur and this through the use of infected cow's milk; that I hold that even if this be so, a far greater danger from milk, a far more alarming cause of infant mortality are the other contaminations to which milk is liable, so that our first thought should be how to reduce these other contaminations. I am of an open mind as to how far there should be special legislation for the prevention of the use of tuberculous milk over and above legislation and municipal regulations tending to insure the freedom of milk from infective properties in general (tuberculous infection included). Having thus briefly indicated my position I will now proceed to state, as impartially as possible, the evidence we possess for and against, upon these matters so that the reader may form his own conclusions.

THE TRANSMISSION OF TUBERCULOSIS FROM CATTLE TO MAN:

It must in the first place be noted that Koch nowhere denies in his address categorically the possibility that such transmission does occur, the most he states is that if it exists it is of very rare occurrence. As a matter of fact the occurrence has been absolutely demonstrated. There are several cases on record in which veterinarians and butchers, when cutting up the bodies of tuberculous cattle, have wounded and thus infected themselves and subsequently manifested the symptoms of local and generalized tuberculosis. Ravenel of Philadelphia brought forward some five cases of this nature at the British Congress. In the Philadelphia Medical Journal, July 21, 1900, he quotes three cases which had come under his immediate observation. Two similar cases are recorded by Tscherning and Pfeiffer and he gives two other cases in which there might be some doubt.

There are other cases in which it is impossible to reach any other conclusion than that there has been definite infection brought about by drinking the milk of cows suffering from advanced tuberculosis. The most recent collection and

critique of these cases is by Professor Repp (American Medicine, October 26, 1901, p. 645, and November 2, p. 688), Professor of Pathology and Veterinarian to the Iowa State College, namely, cases by Olivier, Stang, Demne, Hills, Ernst, Leonhardt, Sontag, Hermsdorf and Rich.*

To summarize, we have cases in which members of a famiy brought up on the milk of cows found to be tuberculous have died of tuberculoisis, while other members who have not used this milk have remained healthy; cases in which several infants at children's hospitals or girls at school have nearly simultaneously shown evidence of intestinal tuberculosis and the number of cases raising suspicion, the cows affording milk to the institution have been examined and found to be in an advanced state of tuberculosis; cases in which children brought up on the milk of one cow have developed the disease and the cow has been later condemned as suffering from advanced tuberculosis. The evidence thus must be regarded as clear and convincing that the transmission is possible.

ON THE FREQUENCY OF SUCH TRANSMISSION:

(a) Through wounds:—The direct introduction of tuberculous material into the system through gross wounds is in itself a rare event. Beyond demonstrating that bovine tuberculosis can thus be the cause of human infection it is doubtful whether cases of this order have a high value for our present purpose: at most, that is to say, personal care and the full recognition that the disease may be conveyed by this means alone can be of avail.

These doubts are increased when it is remembered that we have evidence pointing to the fact that all cases of wound infection with bovine tubercular material do not lead to the

*Repp also quotes as evidence Thorne's Report that 22 physicians out of 339 practicing in Ohio, replied in the affirmative to the question, "Have you been able to trace any case of tubercular disease to the milk of unhealthy cows?" and that 33 replied affirmatively to the question, "Have you had reason to suspect the origin of tubercular disease in older children or adults, to be in the milk or meat supplied?" So few show themselves to have a correct appreciation of what constitutes positive evidence, that these mere affirmative and negative answers of practitioners of Ohio cannot be held to be of any value; to arrive at a judgment it will be necessary to know the facts of the individual cases. On the other hand, it is but right that I should note that, talking over this subject with medical men of various districts, I have heard of unpublished cases (unpublished because one or two links in the evidence appeared to be a little weak), which, nowever, have left little room for doubt.

development of tubercular disease in man, even when large numbers of tubercle bacilli are introduced into the system and which have been gained from pure cultures. Baumgarten, for example (Berlin. klin. Wochenschrift, September 2, 1901, p. 694), has recorded a case of a physician working in his laboratory at Tubingen, who, accepting the view of Rokitansky that tuberculosis and cancer are antagonistic diseases, the one never developing when the other is present, inoculated more than half a dozen patients suffering from inoperable malignant tumors, with pure cultures of bovine vacilli. He did not, it is true, cure the patients; we now know that Rokitansky's statement was incorrect, the two diseases can occur together—and among others Dr. W. F. Hamilton of this city has brought together cases of their coexistence. But, on the other hand, not one of these patients developed tuberculosis. An abscess formed at the site of inoculation which gradually healed, and when Baumgarten performed the post-mortems, he discovered merely scar tissue at the site of inoculation and neither by the naked eye nor under the microscope could he find a single evidence of the development of tuberculosis in any part of the system.

One who is now a well known writer on veterinary subjects, a former pupil of our school, has reminded me that while engaged some years ago in Montreal in removing puriform material from a suspected tuberculous mass in a cow in oder to test its nature by inoculating into a guinea-pig, the animal lurched, causing the needle of the filled syringe to penetrate deeply into the ball of the thumb. The guinea-pig, subsequently inoculated, died of virulent tuberculosis, the deep wound in his thumb muscles healed completely and no ill results ever showed themselves.

These observations must not be taken as contradictory but rather as being in harmony with what I have already stated to the effect that infection is not purely determined by the presence of bacteria. This however may be accepted as clearly indicating that bovine tubercle bacilli are not more virulent for man than are tubercle bacilli of human origin.

Dr. Ravenel, in his remarkable paper already referred to read before the British Congress on Tuberculosis, remarks "accepting it as proven that the bovine tubercle bacillus has

as a rule considerably greater pathogenic power than the human bacillus for a large majority of experimental animals, how should we interpret this as regards man? Is it fair to conclude that this increase of virulence will hold good for man also? Until the contrary is proven, or until good reason for believing the contrary is shown, it is in my judgment right that this conclusion be held at least as a working hypothesis. I am aware of the objections to this view which will be raised by some and acknowledge freely that it cannot be accepted as conclusive."

The above observations seem to me clearly to afford proof that we are not justified in concluding that, because the bovine bacilli are more virulent for guinea-pigs and rabbits, they are therefore more virulent for man.

Granting as I have shown that under certain conditions and in certain cases bovine tuberculosis is transmissible to man, it is at the same time very remarkable how singularly rare are the cases which afford reasonably sure grounds for being certain that infection has been through the milk. The number of clear cases may be counted upon the fingers of the two hands and this notwithstanding the fact that for now 17 years the identity of human and bovine tuberculosis has been generally accepted. Not one clear case of series of cases by an individual observer has been published per annum. And this notwithstanding that tuberculosis ranks as our greatest zymotic scourge and not withstanding the fact that in some countries from 30 to 50 per cent. of all the milch cattle give evidence of the disease.

There are, it is true, reasons which possibly explain this state of affairs. First and foremost there is the long incubation period or long period intervening between the moment of infection and the development of definite symptoms of the disease, thus rendering it difficult to determine whether modes of infection other than through milk may not have been the cause. It will readily be understood that when the period of incubation is evidently variable and when two or three months may elapse before the symptoms appear, it is difficult to put one's finger upon a particular spot or period and say it was at that point or time that infection occurred, especially when human tuberculosis is so generalized and there are so many

possibilities that the infection may be traced to this latter source. Nevertheless, I am inclined to believe that this is not an adequate explanation of the rareness of these cases. It is remarkable that not a single case or series of cases have yet been recorded as occurring, even among children fed from the milk of one milk round. With typhoid, scarlet fever, and according to some authorities, diphtheria, we recognize local epidemics, sharply marked out, as occurring among those and those only who have drunk the milk from a particular dealer. This never occurs with tubercuosis. Now were the bovine tubercle bacillus virulent for man, we ought to meet with such cases. We know that 70 per cent. of the cattle, or more, on certain farms may be affected with this disease, that from 2 to 3 per cent. of these cattle may be subject to tuberculosis of the udder and in their milk there may be literally millions of the active bacilli.

It is no sound argument to say that a distinction must be made between the tubercle bacillus and the bacilli of the other diseases mentioned, because these grow rapidly in milk whereas the tubercle bacilli grow with peculiar slowness, and again, that the explanation is to be found in the fact, that in the milk round the milk of a tuberculous cow is so diluted with milk containing no bacilli that at a given meal it contains a number insufficient to set up infection. At most this is but a partial explanation, whereby I mean that such diluted milk is found repeatedly by experiment capable of setting up tuberculosis in cows and even in swine, and this to such an extent that in certain districts and states regulations have been framed forbidding swine to be fed with unsterilized skimmed milk from creameries. If thus calves and swine are liable to be infected by such milk and the mode of infection is in them clearly recognizable, why is it that we never find the same occurrence in man? The only possible explanation can be that the bovine tubercle bacillus is not of specially high virulence for man, that in general it must be a susceptible individual who drinks milk containing relatively enormous quantities of the bacilli that is liable to be infected. So far then as we can justly draw any inference from the reported cases of definite infection from milk, it would seem seem that Koch rightly calls attention to the fact, that "if the bacilli of bovine tuberculosis were able to infect human

beings, many cases of tuberculosis caused by the consumption of alimenta containing tubercle bacilli could not occur among the inhabitants of great cities especially the children, and that in reality this is not the case."

But when we come to consider other aspects of this subject of infection through the milk we become more doubtful. All I think will agree that circumstantial evidence points to the fact that with increasing age individuals become less and less prone to infection with any form of tuberculosis and that we have practically no evidence of those over 25 years of age becoming infected by bovine tuberculosis through the food. There remain, however, the children and young adults, and here the evidence is undoubtedly in favor of believing that milk does form a mode of setting up tuberculous infection. In our great cities, for example upon this continent, tuberculosis in general is about as common as it is among the inhabitants of the great cities of Europe,and yet as Dr.Northrup pointed out with regard to its appearance in the city of New York, and as Dr. Blackader has noted to me in connection with Montreal, tuberculosis of young children and especially peritoneal and intestinal tubercuosis is remarkably rare, whereas it is relatively common in London, Paris and other great European centres. For myself, although I have performed several hundred autopsies here in Montreal during the last nine years, I cannot recall but one case of primary tuberculosis of the abdominal cavity in a child under ten, four other cases in which there were grounds for considering that infection had been through the digestive system, and Dr. Wyatt Johnston's much greater experience is in the same direction. Dr. Nicholls recalls one case in which he found a caseous mesenteric gland with no tuberculosis elsewhere, the child dying from another disease.

Deaths from tuberculosis in this city average some 935 per annum according to the health report of the Province,for the year ending June, 1900; only 3 of these are put down as being due to abdominal tuberculosis in children under five, only four in children under fourteen. It is true that Koch points out the great infrequency of primary tuberculosis of the intestine at the Charite and Hospital for Children in Berlin, but I do not here refer to primary tuberculosis of the intestine merely, but to cases in which, from the greater in-

volvement of either the intestine or the mesenteric glands, it is reasonable to suppose thtt infection proceeded from the digestive tract; for it is well known that in animals fed with tuberculous material there may be no obvious ulceration of the intestines but definite enlargement and caseation of the mesenteric lymphatic glands which receive their lymph from the intestinal walls. These cases ought not to be left out of account; nay, more, they are relatively common in European cities. Thus Still at the Great Ormond Street Hospital for Children in London, found that of 769 autopsies on children under 12 years of age, 269 revealed tuberculous lesions, and in these cases no less than 23.4 per cent. showed evidence of primary infection having been from the alimentary canal. Widerhofer, in Germany, found 101 out of 418 cases of tuberculosis in children in which there was involvement of the intestine (or about the same proportion), and 42 per cent. of these cases of intestinal tuberculosis were in children between the ages of 2 and 5 years.

This remarkable difference between the extent of primary abdominal tuberculosis in Europe and America would seem to be very possibly related to the relative frequency of bovine tuberculosis in the two areas. In this neighborhood, for example, advanced bovine tuberculosis is extraordinarily rare, and in general the percentage of bovine disease in the States is very much lower than it is in Europe. This, however, may possibly not be the only fact we have to take into consideration in explaining the rareness of infantile tuberculosis in America. In Europe this is most common in crowded cities, and the wretched hygienic condtions, the overcrowding, the bad atmosphere, the narrow streets, the back-to-back houses in the poorer quarters of the large cities, have much to answer for; the children here, even the poorest classes, are not so poverty-stricken and are brought up under healthier surroundings. Notwithstanding all this, I think these differences in the statistics of the two areas do point to infected milk being a factor in the frequency of tuberculosis among young children.

Certainly Dr. Tatham's observations and Sir Richard Thorne-Thorne's impressive summary of the British statistics cannot be gainsaid. If there has been in Great Britain during the last 45 years a reduction of 27.9 per cent. in the

deaths from all forms of tuberculosis, if the reduction in phthisis reached 66 per cent., while the corresponding reduction from tabes mesentericus only reached 3 per cent., it will be seen to quote Thorne-Thorne, "that in considering the latter cause of death we are dealing with a totally different state of affairs The matter, too, assumes a still more serious aspect if we limit ourselves to the first year of life,when milk is most largely used as ood, for then we find that the reduction in the rate of deaths from the various forms of tuberculosis, which reduction has been going on at all ages for about half a century, not only disappears but is actually transformed into a large increase, reaching no less than 27.7 per cent. This in itself is grave enough, but its significance is still further emphasized when we remember what are the circumstances under which this increase in the rate of death from tabes mesentericus has gone on synchronously with the decrease in that of other forms of tuberculosis."

For myself I do not see how we are to explain these remarkable figures save on the supposition that impure and infected milk is an essential factor in the production of abdominal tuberculosis in young children. Not all these cases, it is true, should be regarded as due to milk. The habit of expectoration by adults, the creeping habits of children, their liability to put everything into their mouth, lead to a very great possibility of infection with human tubercle bacilli through the digestive tract. But admitting this and admiting also the wretched hygienic conditions above mentioned, admitting even that the hygiene of the house in Great Britain has not improved at the same rate as has the hygiene of the factory and of work places in general (which improvement is the main cause of the decrease in tuberculosis in adults in Great Britain), if mesenteric tuberculosis were in the main due to infection with human tubercle bacilli, with the lessening of tuberculosis in adults there ought certainly to be a corresponding diminution in the number of cases of tabes mesenterica in children, and this has not occurred.

The last adverse criticism to be applied to these figures of Thorne-Thorne and Tatham is that possibly they are incorrect; not that they have been wrongly drawn up, but that in the earlier portion of the 45 years tuberculosis in children was entered under some other heading, as wasting disease

of one or the other order.* But tabes mesenterica is a condition which has for long years been commonly diagnosed.

Taking into consideration all these various data, I am forced to the conclusion that human beings at the age at which they are most susceptible to disease in general are distinctly susceptible to tuberculosis of bovine origin. Nay, more, I must admit that it is quite possible that cases of scrofulous, that is to say tuberculous, lymphatic glands, and of tuberculosis of the tonsils, may also be of this origin. And as the infection may spread from the glands of the neck to the glands of the thorax, that many cases which have apparently originated in connection with the lungs and respiratory tract are truly of alimentary origin.

Yet granting all this, it must only be the more weakly children living under bad hygienic conditions or children peculiarly susceptible, who are liable to this mode of infection otherwise it is difficult to understand how, with bovine tuberculosis so very rife, the majority of the children in certain districts do not die from this form of disease.

Lastly, it is necessary, I think, to call attention to what appears to be a faulty argument on the part of Professor Koch. "Hitherto," he states, "nobody could decide with certainty in such a case whether the tuberculosis of the intestine was of human or of animal origin; now we can diagnose them; all that is necessary is to cultivate in pure culture the tubercle bacilli found in a tubercular material and to ascertain whether they belong to bovine tuberculosis by inoculating cattle with them." The reasoning here appears to be not in complete harmony with the facts at our disposal. Were bovine tubercle bacilli very virulent for man and did they lead to a very rapid development of the disease, then in such cases it is quite possible that growing in the

*(Note during passage through press). The late Sir R. Thorne-Thorne's well-known statement has always puzzled me, and that because, indirectly it may be, it does not appear to harmonize with the relative frequency of intestinal tuberculous lesions found in the post-mortem room. But such is his reputation for thoughtful and sound statistical investigation that I felt bound to accept his figures. Since sending in this Report my attention has been called to a series of letters in the Lancet, and British Medical Journal for 1898 and 1899 by Carr, Donkin, Guthrie and others, in which these figures were actively attacked, and it was pointed out that the "Tabes Mesenterica" of death certificates in England is, in the majority of cases, non-tuberculous gastro-intestinal catarrh. If this be so, the strongest argument in favor of the frequent infection of the human being by bovine tuberculosis is rendered valueless.

human body they would retain their original characteristics and would be peculiarly virulent for rabbits and guinea-pigs. But frequently, as is well known, these cases are of long duration, and where this is the case even if of bovine origin, the bacilli, living and multiplying in the human organism, should gradually become modified and we should expect them to assume more and more the character peculiar to human tubercle bacilli. They would be modified by their environment, and it is doubtful whether by this test one could surely determine the origin of the infection in every or even in the majority of cases.

I do not mean here to say that there would be absolute tuberculosis. As a matter of fact, and as Lartigau has re-tuberculosis. As a matter of fact, and as Lartigan has recently shown (American Journal of Medical Research, N. S., Vol. No. 1, 1901, p. 156) there is a great variation in the virulence of tubercle bacilli derived from different cases of the disease in man. He indeed noted one case in which, from the slow development, ground glass appearance of the colonies and extreme virulence of the bacillus for guinea-pigs and rabbits, he was inclined to believe that he was dealing with bacilli of bovine derivation. I do not say that cases of this nature may not be detected, I only urge that the characters of the bacillus vary according to its host and to the length of the sojourn within the human body, and so the test is liable to be an uncertain one.

SUMMARY.

In endeavoring to record as impartially as is in my power the various data we possess bearing upon this question of the intercommunicability of human and bovine tuberculosis, it may well be that detailing many facts, some of which upon first reading seem to point in the one direction, others in a direction diametrically opposite, I have left the unfamiliar reader uncertain as to my interpretation of the same, and as it is only right that the reader should expect from me where possible definite conclusions, that he should know what are my opinions, it is fitting that I should sum up the conclusions which I regard as safely to be deduced from our present knowledge of this subject. These conclusions are:

1. Bovine tuberculosis is easily conveyed from cattle to cattle and, whether by inhalation (the most common meth-

od), by the milk (in calves), by contamination of stalls and drinking water through the agency of the saliva and nasal discharge, through the genito-urinary passages, or by intrauterine infection (very rare), this transmission from one animal of the bovine species to another is far and away the the commonest mode of infection in cattle, so common that for practical purposes all other modes may be neglected.

2. Human tuberculosis is transmissible to cattle. Pure cultures of these bacilli rarely cause infection. Mixtures of tubercle bacilli with other micro-organisms (as in sputum) appear to be more infectious. The difficulty in inducing artificial tuberculosis favors the idea that natural infection of cattle with human tubercle bacilli must be of singularly rare occurrence.

3. Swine appear to be fairly easily infected with both human and bovine tubercle bacilli and when infected with the former these gain an increased virulence for guinea-pigs and rabbits. But while through the use of infected milk these animals become frequently infected from cattle, conditions favoring the reverse process are rare. Thus, while it may occasionally be that swine, or possibly other domestic animals, act as intermediaries in the passage of tuberculosis from human beings to cattle, the conditions favoring such transmission from man to the hog, or from the hog to cattle, so rarely show themselves that again, for practical purposes, this mode of infection may be neglected.

4. If this be so, it should be possible to eradicate bovine tuberculosis in a region in which human tuberculosis continues to be widespread.

5. Human tuberculosis in the majority of cases is conveyed from human being to human being by inhalation, more rarely it is conveyed through the alimentary tract, still more rarely through the genital tract, through surface wounds, and, from the mother to the foetus, during intrauterine life.

6. Everything points to the fact, that in the main the bacilli causing infection in man are derived from previous cases of the disease in man.

7. By sojourn in the human body and passage from man to man the human tubercle bacilli have acquired properties differing from those acquired by bacilli which have passed

through cattle; their shape differs, the rate of growth and the appearance of the growth outside the body are different; their virulence towards the animals of the laboratory is also different.

8. These differences are not, however, sufficiently marked or constant enough to permit us to conclude that we are dealing with distinct species. On the contrary, the evidence at our disposal points clearly to the fact, that in the different species of animals we encounter at most races of tubercle bacilli, which by growth in the bodies of animals of another species take on the characteristics of the race of bacilli peculiar to that species.

9. Bovine tuberculosis can be transmitted to man and this either through wounds or through the digestive tracts.

10. By passage through cattle the tubercle bacillus gains increased virulence for cattle, rabbits and guinea-pigs, but lessened virulence for man and (it would seem also) for carnivorous animals.

11. Save in the very rare cases of wound infection, there is a significant lack of evidence that bovine tubercle bacilli infect adult human beings.

12. It is infants and those of early age who are liable to be infected by the tubercle bacilli of bovine origin and this through the agency of milk. The statistics bearing upon the continued frequency of tuberculosis in children and upon the relative frequency of intestinal and abdominal tuberculosis in children must be accepted as conclusive evidence upon this point.

13. Even with children a consideration of the great frequency of bovine tuberculosis in certain regions and of the absence of any record of tuberculosis affecting those supplied from a given "milk round," leads to the conclusion that the bovine bacilli have not heightened virulence.

14. The few positive records we possess of direct transmission of tuberculosis from cattle to man through the agency of the milk indicate that infection is brought about only by the employment of milk of cattle which are very extensively diseased, more especially of those suffering from udder disease. Such milk contains enormous numbers of bacilli. In other words, large numbers of tubercle bacilli are required in order to infect human beings with bovine tu-

berculosis. This again is an indication that the bacillus cannot be regarded as having gained a heightened virulence for man, and that infection is not very readily communicated.

15. Animals showing physical signs of tuberculosis (for mild grades of the disease afford no physical signs) and, above all, those exhibiting udder tuberculosis, should therefore be condemned and under no conditions should their milk be used for food.

16. Where there is tuberculosis in a herd, Bang's method should be employed, the animals reacting to tuberculin being separated from the healthy ones; the milk from the reacting animals for whatever purpose used, should be Pasteurized so as effectively to destroy the tubercle bacilli. (Vide previous Report.)

17. The great cause of infantile mortality is inflammation of the stomach and intestines (gastroenteritis and diarrhea) and this is proved to be mainly brought about by the use of badly kept and fermenting milk. Wholly apart therefore from the question of tuberculosis it is imperatively necessary that the greater care should be exercised by all concerned in the distribution of milk, the general measures taken to lessen this, the greatest scourge of childhood (prohibition of use of milk from cattle showing any form of sickness, Pasteurization of milk, etc.), will equally lessen the danger of the transmission of tuberculosis from cattle to man.

Had this been more fully realized, had the agitation (in England more especially) for municipal and governmental supervision of the milk supply and for the distribution of pure milk and based upon what we know concerning contaminated milk in general and its dangers, rather than, as it was, upon the danger arising from the conveyance of tuberculosis, it is safe to say that Koch's address would not nearly had had the same deleterious effect.

But acknowledging this, Koch is by no means absolved from blame for the manner in which he published his conclusions. It was his duty to have pointed out that those conclusions did not effect in the slightest the legislative and other measures adapted to reduce the danger to cattle and to the agricultural community resulting from the spread of tuberculosis among cattle and the domestic animals. Not doing this he left it to be inferred that legislation against bovine tuberculosis is in excess of what is necessary. And this, it is right to protest, was little less than criminal on his part.

THE TUBERCULOSIS QUESTION.

BY PROF. DR. MORITZ BENEDIKT, OF VIENNA.

Open letter to Dr. Clark Bell, President and Secretary of the American Congress of Tuberculosis, by Prof. Dr. Moritz Benedikt, of Vienna. Motto: Nil Humani Nobis Alienum sit.

I Instruction.

Dear Sir.—After you have translated my open letter to Clifford Albutt (Vienna Medical Weekly Journal, Nov. 26, 1901) and published it in your Journal, you requested me to communicate to you further elaboration for submission to your next American Congress of Tuberculosis, to be held in May.

If you consider my views of any importance, it is no doubt because you do me the honor to recognize me as a worthy representative of our school, and as one of the heirs of that great epoch.

The Vienna school still holds since Skoda the reputation of strict logical mode of thought and the genius of the Austrian people possesses the qualification on the one side of "bon sens," and on the other side of direct impressionability. These qualities protect us from being one-sided and dogmatic. The doctrine of Tuberculosis has yet many deep loopholes, and rapid deductions from the knowledge thus far attained may become positively and negatively dangerous. Though not as a specialist, but as a student, and as a thinker strictly methodical from the school of the creator of the "pure critique of reason" in medicine, Skoda, as pupil of the incomparably unprejudiced diagnostician and therapeutician Oppolzer, have I paid attention to the various questions, and

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Translated by Moritz Ellinger, Esq., Corresponding Secretary of the Medico-Legal Society.

for that reason I take the liberty of taking part in the general discussion, and I believe that I can advance many ideas which will not be broached by others.

II The Infectiousness.

The most important question is probably that of the infectious capacity of consumption.

It is well to consult in all questions the greatest teacher—history—and there we find that a great master in the so-called obscure, but often sunlit antiquity, that Galen had already affirmed that question and recognized the most important condition of infection. He teaches: "With phtysic patients there are putrid exhalations in the room which they inhabit and a foetid smell. Experience shows that persons sleeping in the same bed with phtysic patients or a longer period of time dwell together, eat and drink with them, or use their clothing or linen without these having been purified of their noxious quality, are attacked also by phtysis." We will recur later to the full importance of this doctrine for the knowledge of which I am indebted to Dr. Max Neuburger.

A second important lesson from history I draw from the fact that the danger of infection from tuberculosis cannot be very great, as it disappeared temporarily from the consciousness of the scientific world. If such authority in clinics like Skoda and Oppolzer could overlook such causes of the origin of tuberculosis, then infection could only take place under specially favoring conditions. Doubtless the danger of infection is exaggerated to-day in its sociological dangerous manner. There exist peculiar conditions, not known to us yet in their exact existence, under which infection takes place.*

A further lesson from history, which on this occasion looms up drastically, is that every advance in science brings with it also a retrocession. With the great acquisitions of pathological anatomy, which conceived the tu-

*If the former practitioners had become acquainted with the disease in the dwellings of the people, of, altogether the "bourgise" world, to which the learned world belonged, would have troubled themselves sooner about the socio-political question of the misery and its effects, the capacity of infectiousness of consumption, would not have escaped their observation. It is an honor to the English physicians that they have interested themselves, beyond the intellectual point of their professional noses, in the welfare of the "people" with warm, humane-throbbing hearts, and have, therefore, recognized at an early period the danger arising from the dwellings of the populace from the spread of consumption.

bercles as "new formations," disappeared the old doctrine of the origin by infection. Of this general principle, which is constantly evidenced, we must take the admonition to ask anew to-day, whether there is not in the present day progress a partial misconception of the truth?

III The Homes of the Infected.

If we inquire into the conditions and opportunities of the danger of infection we meet first the question of habitation. The abode of the populace, the home of misery, is the most important breeding place of consumption. In these dwellings thorough ventilation, sunshine and cleanliness are out of consideration. The poison of disease broods in the filth which fills the air and which sticks and accumulates on the walls, on the floor, on the furniture, the clothes, the linen and the human bodies.

The linen, and especially the bed linen, and the clothes of diseased and deceased are at the same time used by the persons still in health.

This dwelling together of healthy and sick persons in dilapidated rooms under the mentioned health-injuring conditions is the most dangerous, as in the most cases it affects persons who are poorly fed and are also exposed to the inclemency of the weather.

Stress must be laid upon the fact, that dwellings will not become dangerous as bearers of the germs of infections by short and passing use of a patient, but by long and frequent use, if the necessary sanitary precautions are not taken. It is necessary to point this out to guard against an unnecessary and disturbing panic among the people.

It is further certain that the living together with persons suffering with phtysis is apt to become dangerous and especially in connubial union; the healthy party may be attacked with hasty consumption, especially if the patient is already in a hectic condition, feverish and subject to night sweats. But we often see this danger pass by, if there is no predisposition and the other hygienic conditions are favorable.

Next to the dwellings of the populace, special sanitariums under certain conditions form the greatest danger for the aggravation and dissemination of consumption. Patients who enjoy at home many hygienic advantages, namely a favorable residence and a healthy nourishment adapted to their condition and good nursing, are transported to sanitariums

and they return in a miserable condition, or not at all. Experience teaches us that the older the sanatorium is the more dangerous it is for the patient, for the attendants, and for the population in that place. Since years I am pained by this recognition, for which I made in vain propaganda in friendly circles and when I announced this opinion for the first time in my letter to Mr. Abbutt, it was not without some apprehension. Considering the many interests affected, I had to fear the fate of Ibsen's "Volks feind" concerning of the people and in addition to have made such an unenviable reputation to no purpose. I am happy, however, to state that no opposition arose.

Wherein exists the danger of the sanatoriums? Above all, again in the dwellings. Through decades, and in every season, consumptives change off with consumptives in the same chambers; the walls, furniture, linen, floors, carpets,curtains are suffused with poisonous germs, and this material attains in time through accumulation that quality which conveys the full power of deathly work.

My experience in reality is that the dangerous point is not bound up with the place but with certain dwellings and quarters.*

A further danger consists in the intermixture of linen for body and beds of the sick and those of healthy persons, and that the disinfecting of this linen by strong heat is not sufficiently provided for. In this linen, however, are found the conditions which give the germs their full infectious quality.

Added to it is the fact that all the places in which the tuberculous patients aggregate, influenza becomes easily endemic and grows to be a Damocles' sword for the sick.

In the same rooms, in the same beds, with the infected linen live the natives out of the season and catch the disease.

In a country sanatorium to which I have given considerable observing attention, the female native population is to a remarkable extent, more exposed to the danger of infection than the male population, and especially the robust young peasant girls. This evidently arises from the fact that the tuberculous male guests, who are, as is well known,

*In a certain southern refuge the sewers of the city situated higher up, run down under the houses inhabited by the patients, to the rivulet. There is also situated the park and the music stand, and until recently the cold water baths with boarding places.

very libidinous, are listened to more favorably by the country lasses, than is good for their lungs.

The sanitation of the health resorts is therefore, a pressing requisite. We will refer to this further on.

The next, as places of infection, are the hospitals. It is well known that in older hospitals there are always rooms which are not only dangerous to the patients, but also to the nurses and the physicians. It must be remarked that this not only refers to tuberculosis, but also to dysentery, Egyptian disease, typhus, etc. And here we again meet with the remarkable fact that such bad conditions continue for years, without that the authorities deduce the necessary conclusions and that the facts are guarded for a long time as an official secret.

Such poison-abodes are but too often the barracks, and next to them the prisons. Of course, it is not only the poisoning of the living compartments and assembly rooms which are detrimental, but also very often a guilty lack of proper nourishment. I know a prison in which the mortality decreased in one year by 12 per cent as soon as a conscientious director assumed the provision regulation. Especially military prisons, and especially those located in cassamates, often form expresses to the other world, and in order not to make statistics too horrifying, candidates of death are frequently pardoned and sent to hospitals or to their homes. According to various localities condemnation to imprisonment for 1 to 3 years often means condemnation to death, and the axe is swung by tuberculosis. This is the more terrible as condemnations are not always pronounced for crimes, but for violations of discipline, and because many military criminal laws and especially the criminal codes are imperfect, and errors of justice are easily made.

That even in lunatic asylums—even in the luxuriously appointed English institutions—tuberculosis may make its appearance as an epidemic in the place, has been observed with horror by the English colleagues. In this it is not the poisoning of the institution which alone plays the role there.

How dangerous it is to expose such evils is best shown by an incident in history, which should be preserved, of the renowned Austrian gynaecologue Semmelweis. The lying-in hospital, as it existed then, had as chief an ignorant, weak-minded and incredibly careless professor. There prevailed

the septic puerperal fever, and the carelessness had to be charged with 20,000 victims. At times only the mothers, who had given birth in the streets escaped with their lives. Semmelweis roused an alarm but without any momentary success and his honesty and faithfulness to duty undermined his life's happiness. History acclaims him as the pioneer of Asepsis; but when a call to the Vienna University was spoken of, he received of all the members of the faculty but one vote—albeit that of Skoda. That so noble a circle of men which composed the faculty, would not pardon the opposition of a young scholar to an Ordinarius is worthy—though not for the object of intimidating—to remain forever memorable. Such sins are committed by even the noblest oligarchy from considerations of esprit-de-corps.

Often the Congresses are the proper places to bring such evils to the light of publicity, and to morally compel the respective authorities to afford relief.

IV. The Poison-germ.

Above all the question of the origin of the poison-germ and its vehicle must be elucidated. Outside of the products of cattle (milk, cheese, perhaps meat), it is man from whom the poison of consumption originates. The sputum and the exhalations from the lungs are looked upon as the chief vehicles. Certainly not less important the sweat, neglected wrongly by the moderns. Sweat is the attempt of nature to discharge the poisonous matter, and that its admixture with the air and food means the poisoning of others, is doubtlessly ascertained from the facts in our clinics. From these sources rises also the dangerous quality of the insufficiently disinfected linen of person and bed and clothing of the patient.*

It would be in order again to turn to the sweat that carefulness of research and investigation applied in former centuries.**

Clinical facts—much better than those from the laboratories tell us that all these poisonous vehicles from the human

*The great mortality among nuns from consumption arises probably from the fact, that as a symbol of renunciation they exchange mutually, linen and clothing, wear them, and also from diseased and dead persons.

**The old method of privation and versicatore is still in use in many countries in cases of tuberculosis. It is plainly effective in favoring the extravagasation of a "Muterin peccans," at a place with lessened resistance.

body must be aggregated, and as Galen maintained become only active after a long time. It seems that there must first develop a certain fermentation or putrefaction until the germ becomes active.

Also the undoubted circumstance that the exhalations in the later stages of consumption are more dangerous, favor the evidence that certain changes, not yet known, take place. The mass of microbes alone is not determinative.

It appears to me that the attempts of Koch to infuse cattle with human tuberculosis failed because he used virus not thoroughly fermented, or not fully putrified. If he had brought a cow into a sick chamber in one of the sanatoriums known for its infectious quality, left her there for some time, and permitted her to lick the soiled beds, linen and the body of the deceased, and had her given the chance to sleep together with the patient—naturally moralitatis causa with a female patient—he might have had a better success.

Whether the vehicles or the microbes, or both, undergo therein a change, is not as yet known, nor has the question as yet been seriously entertained.

V. The Fundamental Theory and the Etiology of Consumption.

We will now elucidate the question of the origin of consumption from the standpoint of logic and experience. Then, if we assume that consumption is always an infectious disease the doctrine of origin is by no means exhausted by the doctrine of the qualities and the mode of acting of infectious germs of poison.

Toxocology teaches us that there are poison-receptive and poison-immune tissues and organisms.

At every such inquisition we must establish a basis of biological thought. Every biological expression (manifestation "M")—and every disease is one—is first off dependent upon the inherited* or organic quality of the being or organ in question, which we designate as its nature ("N"). Next determinative is the development ("D"). The factors of this

*Inherited does not say that one of the parents should have been been inflicted with the same disease. Inherited must be taken here in the sense that already in the moment of the impregnation of the ovum the germ of the disease existed. The question is, therefore, of a germ-disposition, and we may in such a case speak of praedestation instead of predisposition, whilst we may designate all expected previous positons from the life of the foetus as preparations,

development are of different value. Part of them penetrate so deeply into the conditions of existence that it becomes a second nature ("I"), while others do not penetrate as deep and which we must designate in a narrower sense as moments of development ("E"). Besides there are causes of chance ("O").

The sum of equations N. N. and E. present the predisposition in the wider sense the part (N.) thereof in a narrower sense. In mathematical form this biological fundamental form must be thus written:

$$M=f\,(I\ N\ I\ N=E=O)$$

We can say positively, consumption originates only where the nature of the organism or of an organ makes it possible. It is, therefore, all the original nature (disposition) determinative, and it is certain that there is an organic consumption, in the sense of an inherited disposition, exclusive of that acquired during the life of the foetus or in childhood. The latter form which influences the entire growth of the organism from its first disposition, ranks in importance with inheritance and are found, therefore, in class "N" that is in the second nature.

Today, inherited, organic consumption is thrust to the background, not by nature but by the learned profession.

These inherited and even congenital cases are namely, for the presentation at this day of the evil very disturbing and there have been explanations advanced in order not to touch the deductions. He, however, who has studied such cases will not subordinate the prominent facts to any dogmatic theory.

I have myself two demonstrative cases: In a family, blooming, robust young men and girls were attacked at a certain age—at the beginning of the second decade of their lives—in perfect health, by hasty, fatal consumption. The individual cases happened at an interval of several years, consequently exchanging mutual infection and the hygienic condition was favorable. There prevailed then the same relations as at the outbreak of an inherited amroia paralytica, tabes or cancer, which crop out at certain ages and the breaking out of which is predestined from the moment of procreation.

In another numerous family appeared among some members acute consumption at the period of the first puberty,

without pronounced cause, most of which proved fatal, while other members of the family kept blooming and well, though they lived under the same conditions.

Opposite to this definite lifetime of the appearance of consumption the question is opportune, whether individuals so sorely affected from their childhood could be protected before the outbreak of the disease by sojourning in places without the cells of Koch. If this is not the case, then the independence from the effects of Koch's cells would be established.

The appearance of these cells of Koch in these predestined cases could be conceived as an escapable symptom like the appearance of fungi in cellars where neither fresh air nor sunshine appears.

We have already mentioned the foetal and juvenile cases which belong to class "N"—A further transformation of this man's nature may be effected by economic, social and climatic conditions, above all by the mode of occupation, &c., that the sum of these factors of development as "second nature" may so powerfully prepare the disease as the original disposition.

In most occupations which bring on consumption the irritation of the lungs by intermixture of chemically-mechanic materials with the oxygen taken in, induces inflammatory conditions, on the basis of which a development of the disease takes place, most probably through the influence of the Koch cells. According to the fatality of these phenomena, these influences may be counted with either factor N or E. In other occupations, for instance tailoring, consumption originates because during the labor a part of the lungs—especially the apices—are not ventilated, and therefore the tissues lose their normal activity and power of resistance, so that the Koch cells, with the toxins drawn from the tissues bring on the disease.

All enfeebling diseases may become developing factors of consumption.

Nervous affections may also be considered favoring the disease, such as the degeneration of the respiratory nerves with paralysis, tabis and myelitis. Also the great loss of flesh in hysterical inappetence and vomiting cause consump-

tion, like the consumption through hunger and destitution. Also in cases which I have designated as "asthma diurnum," at which a persistent incomplete respiration takes place, would cause in an equal way consumption.*

We have considered until now the "nature," the "second nature" and other faculties of development of our preceding formula. We must now inquire into the proper accidental causes (O) of the disease.

Here we must again inquire whether such is always necessary. The inherited causes do not compel us to such an assumption. We can perceive that the conditions of life are such, that the healthy process of living conditions and chemical changes at a certain period of life, as well as in inherited paralysis, or tabes, or carcinoma assume a character of sickness. Even if in such a case a definite symptom, namely the appearance of the Koch cells were under all cases and from the first moment determined, it does not say that logic would demand that these cells present an essential condition of sickness. It might be possible that there are many unavoidable evidences, an adjurans, an expedient.

The conception of tuberculosis for these cases as a disease of degeneration was the one generally assumed before 1882, and is not, as appears to me, entirely free of objection at this day, though we have entirely relinquished this conception.

I do not wish to make of this an assertion, not even express a personal conviction, only the right to state my doubt. Doubt is the mother of criticism and the guardian of false deductions and errors.

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*Take every other organ, the lungs act, respectively the respiratory muscles, at every moment with only a portion of its energies. It only needs to compare the distention of the lungs in attacks of asthma with the usual excursions of t he chest. At asthma diurnum an unusually small surface of the lungs is active and every deep respiration the places of the distention of the lungs change. The patients feel uncomfortable, without being able to locate the pain. They are decried as "hypochondriacs" because the practitioner does as a rule not recognize the cause and the seat of the disease. Exercise of breathing and faradisation of the respiratory muscles and nerves usually relieve the sufferer. (S. Beobachtungen ansdem Roentgencabinete. Wiener Med. Wschr. 1896 No. 52 & 53.)

It is beyond a doubt, however, that in inherited and acquired predisposition, the tuberculous virus usually generates the disease.*

VI. Bacteriology and Consumption.

Before I pass to the regulations and measures for the cure of consumption, I beg leave to make a trifling excursion into the field of the doctrine of microbes. I have avoided until now the expressions bacillus, bacteriae, bacteriology and bacteriologues—in German staebchengelehrte. The one reason is purely philological. I hesitate to use words which are a sign of the philological capacity of the academic world. The designation of an object which looms up in observation and recognition, should express the form as well as the qualities. We understand to-day by bacteriae and bacilli in medicine all these minute beings which stand in close connection with contagion. Only a portion of these beings have the form of a staff. The form is, therefore, not designated in a number of cases.

Of the qualification the designation expresses nothing. We know now that these minute beings are living beings, with the power of assimilation and propagation, and we might therefore, for the present at least, designate them as cells. They are compared with the average cell form, very minute; we might, therefore, call them "dwarf cells," and as they stand in close connection with the toxination and contagion of living tissues, we can designate them as "toxin-contagion, in-

*If we designate as the most important accidental cause infection, we must not forget another, at least as local inciting cause and that is Trauma. Remarkably so Meningitis tubercolosa often appears on the spheno "parietal sinus." As long as tuberculosis was considered a pure new formation, this cause was specially puzzling, and it required special courage to acknowledge with Oppolzer this fact, though unintelligible. Why, I was a witness as student when Rokitansky ridiculed the attendants at the clinic on account of their recognition of the traumatic causation. Griesinger, though, had also assumed then Trauma as the causation of car cenoma of the brains, and the local outbreak of carcinoma at Trauma with its metastatic effects is very generally recognized, I believed that I contradict Griesinger. I assumed that in his cases to consider the fall as the first symptom of the carcinoma of the brain, than opposite. I thought to be more justified in this as I saw two cases which could apparently be traced back to carcinoma of the skull by which, however, nekroscopy proved cyosicercus. Impression upon me made only the popular belief that lasciveous treatment of the mammal leads to carcinoma. Today it is beyond doubt that Trauma where disposition prevails may lead to it that the process of reaction assumes the tuberculous or carcinomatose character, with meningitis tubercolosa one may think of the introduction of virus into the irritated place.

fectious dwarf cells," and in the text the designation might be abbreviated.

These dwarfy beings have not perhaps the importance of cells, but of cists or only of protoplasmic flakes, analogous to the particles, the movements of which in the so-called karyokinese are visible in the cell of the ovum, which after all have the significance of independent living substance, as they avoid the foundations of the individual tissue-elements, with their qualification of assimilation and propagation. The necessary change of the expression: cell would become then a historical moment of progress in knowledge.

The more indeterminate expression partially could be used; but it is not fit when applied to living substances.

There is, however, another reason why we have preferably used thus far the indeterminate expression epidemic toxin or virus.

Whether pure cultures of the Koch toxin cells could generate consumption is questionable as far as the human being comes in question. Outside of the food from cattle, infection is carried from man to man, and if in all cases of infection the toxin cells very probably play a role,it is highly probable that there is toxin present in the vehicles, which are perhaps much more important than the cells themselves. For that it is affirmative that older and advanced cases are more dangerous by their isolation than cases of shorter duration and less acute, and that the proportionality between the number of cells and the aggravation of the case is disputed by many.

It further appears to me, as I have already expressed myself twenty years ago, that "bacteriology does not as yet hang upon the right hook." Inducement offered: first of the inherited cases of consumption, which make their appearance at a certain period of life, in which, at least during the process, toxin cells could be shown, but their absence in the first beginning was not beyond doubt.

But the appearance of plague cells in sporadic cases of tetanus made me sceptical. I was more confirmed by the latest fact in this class, namely the evidence in such cells, capable of assimilation and propagation at the time of epileptic attacks, by Dr. Bra in Paris. I doubt not for one moment that soon all analogous proof will come forth in case of raving mania,or perhaps even in outbreaks of rage a la Lear. We

will then comprehend the rare cases of outbreak of Lyssa through the bite of maniacs and the primary appearance of Lyssa in dogs through violent sexual excitement.

We can also deduce from analogies that in sporadic cases of yellow atrophy of the liver through violent psychic excitement such cells will also be found as in epidemic "yellow fever," and so on in many cases of acutest irritation of tissues in degenerations under irritations.

These facts gives cause to ponder. I have drawn a deduction therefrom, which, if it should be verified, would cause a revolution in the theory of epidemics. I refrain from expressing it, because at this time, even if verified, it would call forth a riot against me.*

At any rate should we be reserved in drawing conclusions, especially when the question arises to prevent and cure consumption?

I may be permitted yet to make a remark of logical method. It appears to me as if the modern doctrine of toxin and epidemics commits the mistake to transfer the deduction drawn from experiments of a certain toxin upon all other without critical examination.

VII. The Prevention of Consumption.

We can now pass to the discussion of the measures of prevention of consumption.

I pass by those of prevention of transference from tuberculous cows.

To the question whether the test of tuberceline enables us to recognize in proper time the tuberculous condition of cattle, I cannot answer, as I am evidently not competent to do so, as little I feel competent to say whether that test in man is of value or should be made.

The next measure of prevention relates to the neutralization of the toxic excretions and exhalating matter of the patients, namely of the sputa, the sweat and the toxine material in the air of exhalation.

Upon the latter adequate air currents and sun-shine have probably the best effect. They are altogether the deathly enemies of the tuberculous virus.

*Also the remarkable fact of the so-called senseless origination of anti-cusmo. (Max Gruber's secretion, which course in the blood of serum—ahimals as isolated groups of atoms furnish food for thought.)

Further, minutest cleanliness of the body of the diseased and of those with him still in health.

We guard thereby not only against the infection of the healthy, but prevent the incessantly renewal of auto-infection of the sick persons, who should be as much as possible in fresh, pure air.

We now get to the accumulation, the removal and the destruction of the sputa. We will return to this in the discussion of the reform of health resorts and sanatoriums.

The sweats should be removed by careful ablutions with a wet cloth—perhaps as customary, with a solution of vinegar acids. These rags must be kept in a closed vessel and exposed to hot air.

To the measures of prevention also belongs the removal of the sick from their surroundings, especially in unfavorable conditions of dwelling and other social conditions.

This compulsory removal, must as in cases of insane and persons suffering from contagious diseases,be regulated by legal provisions. In order that it can be carried out, provisions should be made for the families of the patient upon whose labor they are dependent. When society replaces the value of animals that have to be killed, it is obliged to do so in respect to human families.*

The preventative measures referred to also apply for the sanitation of the former mentioned birth places of consumptives. But we are affrighted at the task of this sanitative measure. We stand here face to face, for which the science of the physicians is determinative, but whose power has little weight.

What great social revulsion and social activity is called for alone by the sanitation of the dwellings of the poor, which harbor yet destitution and misery? Here the friend of humanity must above all raise the call of general disarmament in order to receive the help of the colossal sums of military power for the regeneration of broad masses of the population. But how powerless are we physicians to fight. The chauvinism and imperialism of the nations who hinder it, that

*To the preventative measures belong also those which afford protection against heritable transmission. We will refer to this again.

the less expensive philanthropic benevolence push away the more expensive hatred and the still more expensive lust for power.

Our activity becomes here a discouraging patch-work.

Our first duty concerns the sanitation of the health resorts. For this purpose it is at once requisite:

1 That the reception of consumptives in a private house be subject to a concession from the authorities, which must be preceded by a careful investigation of rooms and arrangements, and to the permission must be attached a definite hygienic regulation,—of which later on.

2 Every health resort for tuberculous patients must contain a hot water laundry, where linen, carpets, curtains, etc., can be exposed to the germ killing heat.

Altogether, care must be taken that the linen of the population, not only of the health resorts be exposed to hot air, and the larger communities must establish hot water laundries in which—under the direction of the administrators of the poor, and the physicians of the poor—the linen of the poorest be purified. The ironing is then left to the owners. With that a reorganization of the laundry business must go hand in hand, as the present form harbors numberless dangers.

3. The appointments of the room must be so that the infectious germs have as little chance as possible to remain attached. The walls, for instance, should have oil or water glass paint, the floor covered with linoleum.* Bedsteads and furniture should be of iron, that in case of need they might be exposed to steam heat.

4. Every fresh use of a room should be preceded by a thorough disinfection, and above all an airing of several days.

5. Of course all things needed for helping cure must be found in the health resorts.

6. Every health resort must stand under strict supervision of the State. It is directed by a special medical officer. Of course private practice on the part of the officiating physician is out of question to insure his independence of all local influences.

*Probably the best material for a hygienic floor would be asbestos cement, as used for instance in the Hanved-Hospital in Buda Pest.

The resident authority, commitment doctor and health resort physicians are not adapted because they come too easily in conflict with the interests of the people, and apt to be compelled to connivance.

7. The practicing physicians are obliged in specially dangerous cases at the departure of the patient or after his death, to make a "confidential" report in order to rouse the attention of the official to supervise the proper disinfection. It is also the duty of the physician attending at the house or at the rooms to make a report whenever the symptoms of a prevailing infection appear.

Neglect of the duty to report should be subject to definite penalty.

8. Altogether would it be well to reform the whole system of health resorts, so that a system of smaller and smallest sanitariums be introduced, which to the largest extent should be left to private enterprise under State supervision.

To other necessary measures of prevention we will recur in the discussion of sanatoriums. I will call here attention to some mistakes in the use of health resorts.

Many patients visit them with insufficient means.

Then they herd together patients in dwellings that are pestilential, are insufficiently nursed, and return home in worse condition they come in or not at all.

This evil formally clamors for sanatoriums, especially in health resorts.

A further mistake is to send acutely sick persons in fever to distant health resorts, especially in winter, to die there or perhaps on the way. Though we may not tell the patient, "Stay at home and die in comfort," still we may appease him and hold out hope to him that he may improve. It is against all sense to send patients, in winter or in the fall to Southern health resorts, to stay there for a short time, if they have to return during the inclement season to their unfavorable condition.

Attention may be called here further to two incorrect actions. One is especially committed in sanatoriums supported by philanthropists. Patients severely sick are not received in order to have a more favorable statistic. Sanatoriums, however, are established for the best possible relief they can give, and not for the favorable statistic.

Very nearly criminal, at any rate censurable, is the abuse practiced in healthy resorts, in sending away patients in a dying condition, who then die in a coupe or in a way station. The excuse that death and funerals disquiets and harrows the other patients does not hold good. We know nearly all sanatoriums where many operations take place and many die. It can be as easily arranged in health resorts as in sanatoriums, that the survivors are kept in ignorance. "They have gone away on a journey," might as readily be said of travelers to the other world.

What must be done in order to make infected hospitals, also barracks and prisons that character harmless need not be elucidated.

Here a heavy weighted moral movement comes in question. Those interested must have the courage of conviction and their courage must not bend before official force.

Lying, white-washing and denials must be banished from public life.

The dangers of infection in large and small factories are at least theoretically decreased by sanitary industry and factory laws; only care must be taken that the laws are carried out. The same applies to schools and to school hygiene.

VIII. Treatment of Consumption.

We now come to the treatment of consumption. Here the already mentioned measures, which prevent the constantly renewing auto-infection the first role. All treatment which improves nourishment—and to this belongs the furnishing the starving with food; further all those which better the condition of the general strength and the resistive power of the tissues, are important for the treatment of consumption. Hardening by timely applied hydrotheraphy and strengthening of muscles by proper athletics, must never be lost out of sight. Good air with much tarrying in the open atmosphere, and a good deal of sunshine, will remove the germs in the body.*

For all patients who cannot find in private treatment all they need, the treatment in a sanatarium is fundamental for cure.

*It appears to me, though without sufficient experience, that arsouvalisation is an important medicament for extirpation of the germs in the body.

From all said heretofore, the first rule ascertained is that we should not build as sanatoriums either palaces or barracks. These will become in time breeding places for the tubercle poison.It cannot be denied that in every new institution effective hygienic arrangements can be made.It is certain that with extreme, so-to-say boundlessly liberal precaution, a home for tuberculosis patients can be kept intact for a long period. A private sanatorium, for instance for operations, which has a splendid clientage and an accomplished director, who is conscious that the institution can only prosper as long as it is not infected, or is kept free of infection, with a large staff of physicians who know what they are aiming at. In large specially public hospitals, this is not easily accomplished. With tuberculosis, airing and sunshine plays a great role and the larger the house is the more difficult will it be to keep the air pure and have sufficient sunshine.

It follows from this that sanatoriums for those suffering from tuberculosis should consist of small pavilions, and that the erection of such pavilions should be aimed at in special health resorts. The opportunity should be afforded for all,rich or poor to be accommodated in such pavilion sanatoriums. Very wealthy patients can procure for themselves all needed conditions and accommodations. Sanatoriums should not be monumental buildings, so that after a number of years they can be taken down without great loss and removed, if they prove to be infected. Special emphasis in the erection of hospitals must be laid upon the separation of the rooms where the patients spend the days from the bed chambers, and that for the patients in an advanced stage of the disease. Two rooms should always be available, which by day and night can be interchangeable and thoroughly aired, cleansed and admissible to sunshine.

The arrangement seems to me ideal, that the sleeping rooms situated to the east and the day rooms to the west, so as to have the sun at all times. Between a corridor with a ventilateable glass roof, that would absorb the mid-day sun. The demand for south-rooms seems to have originated from the misapprehension of the Northern people, who interchange south and west.

Where a public colony is founded in the proper location, the treatment locality among which also the technico-thera-

peutical such as baths, inhalations, etc., should be at a distance from the residences. Where an aggregation of patients is had, the meadows, gardens and promenades should not be neglected, as there can be no doubt that in the soiling of these places an extremely poisonous virus can develop.

Important in this respect is an American observation on the meadow of a military invalid home, which was largely occupied by consumptives, the patients roamed about for years and naturally expectorated a great deal. When permission was given for a herd of cattle to graze there they became infected with tubercles.

As naturally the sputum becomes specially dangerous where patients accummulate, the question of removing the danger must be considered, and above all the cuspidores in order to escape the danger of infection.

Here it must be remarked again that we must proceed with full honesty. We have been in error of the time of the so-called antiseptics to believe that we could kill the germs of infection by weak solutions, for instance of carbolic acid and sublimate; to-day we have come to asepsis.

Perhaps we do many a thing which is superfluous; but we know that we have not arrived yet at a practice which offers full security.

Every disinfection should be absolutely perfect and it should be guarded against that people should become soiled in the transportation. The destruction of the germs should be effected in the cuspidores, and for that purpose I think Aetzalkalis and perhaps, or better yet, kali hydricum, I consider most efficient. The powder is perhaps, the best if a light water solution is possible, because the heat generated helps.

Of course such vessels must be so constructed that when used by the patient and in transporting them, no injury can be done to patient and servants, and therefore, the proper material must be selected.

The material of such cuspidores must of course be chemically of good duration and stand a certain degree of heat. The vessel must be closed by a funnel shaped cover, from which through the infusion and especially through a stream of water the sputum can be easily emptied into the vessel.

It is also appropriate to fasten these vessels so that they can be lowered or raised according to the size of the patient.

Naturally enough it is not only necessary to place such vessels in the hospitals and their surroundings, but in all places where a large number of people gather, among whom there are supposedly physical sufferers, as well as in all meeting places, in churches, schools, hotels and recreation localities. The people should become accustomed to use these vessels exclusively, even on the incurrence of penalties.

The people habituated to make use of these vessels in all public places and streets will see that they have a purpose, esthetical as well as sanitary. That the sputa in public streets and places involves a danger is probably a child of scientific imagination. Not only consumptives, but smokers, people afflicted with catarrhs expectorate, and to impose a penalty would border on the ridiculous. Should perhaps a police officer, who prefers the charge, make an "oath" that the sputum contained the Koch cells?

That in sanatoriums for consumptives arrangements for baths and lavatories, for the cleansing of the whole body, are necessary, must be again laid stress upon, as the body extravsations are deleterious.

That the exhaled air contains suspended toxins leads to the deduction that the crowding of patients in the chambers and in the halls should be avoided.

The climatic condition of the establishment of sanatoriums need not be elucidated. Localities free of fogs, strong winds and dust, in moderately elevated woody parts, or in the mountains or by the sea shore, have each their justification and their advantages.

For the rough seasons, localities are of course preferable, which to people from northern countries, a spring or summer season. That, especially at the right time, patients hardened against the changes in weather, may remain in "cold" regions during the winter is shown by experience. In southern health resorts, where in day time violent contrasts of temperature take place, patients injure themselves by carelessness more than in cold regions.

I will call attention here to a circumstance which is of the greatest importance.

Patients, dependent upon their labor, should not be discharged before they are capable to work, and their families should be assisted until the patient is fully restored to health.*

If the patients are discharged too soon, relapse is risked, or the disabled fall into pauperism, vagabondage, alcoholism and become a greater burden on society.

Another important question is that of homesteads and who has to establish them.

Philanthropy and charitable societies may give the inducement and take the first steps. The obligation to erect them, however, rests upon the state authorities. The obligation to erect homesteads is parallel with that of establishing hospitals and insane asylums.

Philanthropy works with insufficient means; besides it uses the means at its disposal in a squandering way and deceives under self-conscious praises, its work beyond the extent of its true value.

It must be also pointed out that poor patients should also be cared for by private nursing in families adapted for it, but under competent medical supervision, who should also be entrusted with the hygienic care and supervision. There could be cultivated institutions for private nursing families as it is done in the case of lunatics and foundlings.

Of a colony of such families a health resort could be developed.

We are and will remain for a long time in embarrassment what to do with our sick as long as we have to deal with infected hospitals, health resorts, undue bad sanatoriums, in which, especially during the winter, influenza prevails, while other healing institutes are lacking or not found in sufficient numbers.

The distribution in qualified private families in the country might after all be quickest organized.

We will call attention to a source of relief at our disposal at this time.

There are now plenty of sanatoriums which could be used for the housing of sufferers from tuberculosis.

There are the so-called cold water institutions which are mostly closed in winter and not in use. As their locality is

*Whether it is advisable to establish special re-convalescence asylums is questionable.

mostly selected with the view of their freedom from dust, fog and wind, their usefulness seems to be unobjectionable in winter. The sanatoriums will have to be fitted out according to the regulations laid down in various places. They can receive now without objections consumptives by legal permission. But they will do well to apply, for their own safety, for a special concession and control of the authorities in order not to arouse the apprehension of the other patients. That well fitted out and well administered institutions could be kept free of toxication, especially when they locate consumptives in special apartments. But especially a hot water laundry will have to be provided for.

Besides this there are hotels and boarding houses in localities which have a good deal of sunshine in winter and are situated in good mountain air, are also under medical supervision, are well heated in all the halls where society gathers, and outside halls are mostly provided with hydrotherapeutic arrangements, and rooms adapted for therapy, which need not be used for tuberculous patients. Of course such places are only accessible to people of means.

Places like Salzburg, Gmunden and Ischl in Austria, are certainly adapted to render good service to consumptives in well fitted-up houses.

It admits of no doubt that consumptives can be located in winter in mountainous regions, especially patients who have been weather-hardened by timely application of hydrotherapeutic treatment. Such patients can enjoy in winter also, in cold regions fresh air, aside of the fact that the sleeping and dwelling apartments can be kept energetically air-pure.

IX. Duty of Reporting Against Heredity.

The increase of physical, intellectual and moral degenerates in modern times, gave rise to the question of what measures to adopt to prevent heredity. The United States have proceeded in this with greatest energy. This need not surprise us. The senile trend, which characterizes many European conditions, is wanting in that virile empire, in which initiative individuals can prevail much easier. Also the multiplicity of state legislation carries with it, that original, youthfully vigorous legislation upon the soil of ripened science and advantageous insight could be carried through and applied to actually prevailing conditions. The law of Michigan is most

vigorous against the danger of heredity. It enacts that all lunatics, epileptics and criminals convicted three times must be castrated before leaving the hospitals.* Besides this many states forbid patients afflicted with infection and diseases that are easily transmitted to marry, and Indiana includes in this category sufferers from tuberculosis.

I do not like to postpone a criticism of the legal enactments to the Congress to be held in Madrid, but proceed to it here. What kind of tuberculous patients would rationally be concerned in such a law? Should it, perhaps, everybody who suffers from a thickening of the apices,where in the sputa the Koch cells have been found and who has suffered once from haemoptoe? All the world agrees that tuberculosis is frequently curable, and every physician knows fathers and mothers who at one time were seriously threatened with consumption, and who nevertheless, had a healthy progeny. All cases of passed tuberculosis must be, therefore, self-evident, be exempted from every measure of force or prohibition.**

The prevention of marriage has only one sense in florid consumption.

The marriage obstacles will have an effect with such patients, that in the lower stratas of society the concubinates will increase and the male and female gold-fishes will easily circumvent the law.***

*With all due respect to the legislators of Michigan, I consider the largest part of this law as preposterous. The celebrated law of Michigan concerning the treatment of juvenile and youthful criminals, of course, infuses me with the greatest respect, and even for incorrigible homo-sexuals I have pronounced abstinence, penitentiary or surgery; nevertheless would I warn against imitation, and I hope to be able to state at the Madrid congress my reasons in convincing argument.

**A pronounced example of the injustice and irrationality of such a legal enactment is furnished to us by Oppolzer. He was, as a young physician, seriously consumptive. He cured himself, as he often related, with good Bohemian beer. He got married and in his progeny there is no trace of tuberculosis. I, myself, observed a woman, who after a few rapidly following births, became seriously tuberculous. She was cured and hurried to pass through more pregnancies—17 in all. She and her descendants are healthy and not a trace of consumption.

***Who ever takes an interest in the contraction of marriages among the lower classes, often has the opportunity of witnessing a number of marriage ceremonies at one and the same time, where the majority of the brides are in the last epoch of pregnancy. Should the male criminals, if tuberculous, or the sick mother-brides be prevented from legalizing their marriage? If, however, the circumstance of pregnancy is accepted as an exception from the law, then the people will secure that benefit.

For the cohabitation outside of wedlock these laws are of no effect. Extraordinary conditions, however, would grow out of it, if hygienic pursuits would succeed, analogous to the Michigan law, to have castration enforced for tuberculous sufferers. With the prevailing mania to-day for operating, the human family would be decimated. Not even heavily afflicted individuals would justify extreme measures, because cure is not excluded and hereditary transmission is by no means fatal. Hasty play with fate easily leads to tragedies of fate for society.

Most useful it is, when, as in Italy, conviction is carried to the masses that co-habitation with consumptives endangers health, and that is great danger of having sick descendants.

I will mention for the special case, that it is advisable to have a legally sanctioned regulation that every betrothal should confer upon each party, as in case of life insurance, the right to have the other produce a health certificate and that of physicians who enjoy the confidence of the party to search. Self-understood, the physicans must, for this case, be legally freed from the obligation of guarding professional communications.

This leads us to the proposition advanced by many to discuss the obligation of the physician to report cases of consumption. This legal obligation would be one of the worst mistakes which ever emanated on the part of the physicians. As it is untrue that as a general thing, that under favorable hygienic conditions, the intercourse with consumptives is dangerous, than the obligation of reporting might become more fateful.

Think of the danger of causing an unnecessary panic among the people. I have lived to see it immediately after the discovery of Koch, and the premature deduction drawn therefrom, and the bad effects it had.

Let us consider that the obligation to report had only a definite sense of the authorities proceeded to isolate the sick. If at every numbness of the apices, with stertorous noise, or bronchial breathing, and with expectoration with Koch cells, we had to make a report, then numberless teachers, all family servants, clerks in bureaus and in industrial establishments would lose their bread through the doctrine that intercourse with them is dangerous, is only correct to a slight extent. Not the obligation to report, but the right to report

should be conceded to the physician. Reports should be made only in specially dangerous cases. To wit: Might a teacher in a high tuberculous condition become dangerous when scrofulous, anemic, or children with catarrh attend the school? Society, however, in such cases should come up for the full earnings, if we are not to cause greater misery.

We see that a vast field is conceded in legislation to the question of tuberculosis, a law which takes for its object the erection of sanatoriums and the methods to be followed,which seeks the sanitation and supervision of health resorts, the removal of everything that implies danger may become a blessing.

THE PREVENTION OF TUBERCULOSIS.

BY HERMAN KORNFELD, OF SILESIA,

Honorary Member of the Medico-Legal Society, Privy Councillor, Gleiwitz, Silesia.

The American people have for the foundation of all their political, social and religious life the Holy Bible.

Now there are strict laws ennunciated in this Divine Book which are not observed. Experience has taught us that those laws first of all were as sanitary laws, the highest and of greatest value,and of more significance than all others.Wherefore then not obey them, and try and see,if by the prohibition of certain foods, by the manner of killing animals, by abstaining from eating blood, etc., etc., the body could not be preserved from infection with those germs, the origin of which we know but so imperfectly?

Why go the indirect way, to learn what are the effects of infected flesh, etc., instead of following the rules laid down by a wisdom superior to our own, not by degrees, but incomparable in its intrinsic worth and superior to that which the microscope or bacteriological technique or research can reach?

May this suggestion prove worthy the consideration of the eminent members of the Congress of Tuberculosis.

Gleiwitz, Silesia, April 15, 1902..

Contributed to the American Congress of Tuberculosis and read June 3rd, 1902.

THE CONFLICT WITH TUBERCULOSIS.

BY NILES R. FINSEN, M. D., OF COPENHAGEN.

When the people of all civilized countries unite in a campaign against tuberculosis, it is not only because the fight against this epidemic is the greatest and most important of all the problems which modern science of medicine must try to work out, but also because we have more and more come to the conviction, that the struggle is not hopeless. It cannot any longer be considered fancies, when we express the hope that tuberculosis will become a very rare disease some day or other. However we shall not be able to attain this object without making earnest use of all the means which the science of medicine has placed at our disposal. Among these means the projchylactical measures deserve doubtless to be placed in the front rank,and we must especially emphasize that there is a particular effective profylace, since we cure the patient suffering from tuberculosis by means of physical methods, and in this manner arrest a frequently very effective infectious source.. In this way the humane regard to each individual sufferer is united with the welfare of society in a very happy manner.

When I received the honorable invitation to express any opinion about the campaign against tuberculosis, I have been highly pleased to do so, because I think that our times can hardly aim at anything better and greater than the extermination of this dreadful scourge of humanity. However, this is a small domain of tuberculosis, which I have been particularly taken up with, and of which I therefore, as a matter of course, should like to say a few words. This domain is Tuberculosis of the Skin, particualrly Lupus Vulgaris.

In the light treatment, that is to say, the treatment with exceedingly strong concentrated rays of light, we have a

Contributed to the American Congress of Tuberculosis and read June 3rd, 1902.

method which is able to cure this disease in most cases. My experiences, which embrace more than six years and more than 800 cases of Lupus Vulgaris, have taught me, that nearly all cases, even the severest, are favorably influenced, because only about two per cent. of our cases have not been influenced.

The treatment can work wonderfully quick, in small and young cases, but on the other hand, it may be of a very long duration in old extensive cases. The definitive cure is in many cases, made uncertain by the sufferings of the mucuous membrane of the nose and mouth, which cannot be treated by light, and from which the disease is able to spread again.

As particular circumstances of the light-treatment I must emphasize its painlessness and the good cosmetic results.

As to Denmark it is not far from all other cases of lupus being exterminated. At any rate, the increase of patients from Denmark to the light institute has already culminated a few years ago. The method is now introduced in many places outside of Denmark: in Berlin, Paris, London, St. Petersburg, Vienna and in many other towns there have been erected university light-institutes, or special wards for the treatment of Lupus in the large hospitals, the increase of patients being everywhere very great, in most places even greater than they have been able to manage.

What I have told here of the cure of Lupus cannot claim the interest, and is not so important to humanity,as if it turned upon phthisis itself, but we must not under-value the importance to each individual person who is suffering from this dreadful disease, and as a line in the campaign against tuberculosis it may certainly reckon as of some interest to the Congress. Copenhagen, April 29th, 1902.

ADDRESS ON THE OPENING OF THE AMERICAN CONGRESS OF TUBERCULOSIS AND OF WELCOME TO THE DELEGATES.

BY A. N. BELL, M. D.,
Honorary President.

Your record in relation with the purpose of this Congress and your presence as the chosen representatives by executive authority, or of scientific organizations interested in the same purpose, from every section of this country, and many from neighboring countries, precludes the need of any explanatory intentions.

It is within the recollection of some of us that about fifty years ago Minnesota was the Mecca par excellence of consumptives, or of those predisposed to it in this country, and, indeed, much resorted to by those alike affected from foreign countries. Time and increase of population have so nearly dissipated the thought of such favorable conditions that Minnesota has ceased to be mentioned as a favorable resort. Meanwhile Minnesota has been supplanted by Colorado, but since the repeated demonstrations during the last decade that the atmosphere of high altitudes is no less congenial to the cultivation of tubercle bacilli than that of sea levels, and the increase of population in Colorado, the fame of that State as a specially beneficial resort for consumptives is rapidly falling to the same level as Minnesota. New Mexico is now in the ascendency. That region is, in its relation to tubercular subjects pretty much as Colorado was thirty years ago. and Minnesota thirty years earlier, as yet but sparsely populated and most of the people now there, especially the consumptives, are under particularly favorable regimen—the auspices of the Army and Marine Hospital Service Sanatoria, and for the while, tubercle bacilli are in abatement; but,nevertheless, like the indubitable house fly, sufficiently manifest to show their universal companionship with man. Tubercle bacilli are, in-

deed, everywhere, as they seem to have been always, an antagonizing force to man, against which it is his privilege and power to contend.

It is not the nature of mankind that such an enemy to his race, should continue to be broadcast, or even to exist anywhere within the scope of his power of intellectual development to contend against it. How the privileges and powers with which we are endowed, may be most effectually exercised against tubercle bacilli is the question to this Congress. Its field of view, as represented by your presence and the scope of your points of attack, as indicated by your record, is co-extensive with the human race. It demands the uttermost energy of intellectual resources and physical force against the most deadly foe of mankind.

I welcome you to the City of New York, and have no doubt your labors will be most valuable to the success of the hopes and aspirations of this Congress.

It becomes my most agreeable duty to introduce to you the President of the Medico-Legal Society of New York, Mr. Clark Bell, of this city, under the auspices of which Society this Congress was organized and has been successfully planted, and meets with us to-day in co-operation.

Mr. Clark Bell is also the Secretary of the Congress, and we are indebted to him in the main, for the labor that has brought us together, and for the papers and discussions which are about to be presented.

It is also largely due to Mr. Bell's energy and forethought that the sympathetic action of the government of the United States has been lent to our endeavor, resulting in so large an interest in other countries.

ADDRESS OF WELCOME.

BY CLARK BELL, ESQ., LL. D.,
President of the Medico-Legal Society.

To the members of the American Congress of Tuberculosis and the Delegates, who have been named as the Representatives of Foreign Governments, situated on the Western Hemisphere, and dwelling upon the continents of North and South America, whether representing the Latin American Republics on our continent, or in South America, or the subjects of His Majesty King Edward VII of England at the North, it becomes a very pleasant and agreeable duty to welcome you here in the chief and metropolitan city of the American people.

To that large and imposing array of eminent names that have been selected by so large a number of the Governors of the States of the American Union; to those men who have been named as delegates by the State Medical Societies and other bodies in our country; I take a peculiar pleasure in the name of the Medico-Legal Society, which I have the honor to represent; to meet you in this place and at this hour, to cooperate with our best efforts in this most important struggle which may well be called A Legal Struggle With Tuberculosis.

I repeat here what I had the honor to state in my inaugural address as president of the body I represent some sentences pertinent to this occasion and this hour.

"The Legal Struggle With Tuberculosis.

Since the organization of the Medico-Legal Society, indeed since the beginning of the last century, no such momentous question in forensic medicine, has ever been presented to the general judgment and verdict of the professions of law and of medicine, as the one with which now all the civilized nations of the world are confronted, and are grappling, in the question of legislation for its prevention, and to arrest its

spread. How far can the ravages of consumption be arrested by legislation? Can any legal enactments or regulations sanctioned by law, arrest its devastating march upon, and its terrible destruction of human life?

It is the most momentous question of the hour, and last year our best effort was in inaugurating, organizing and rallying all the forces at our command upon this supreme question of medical jurisprudence.

The American Congress of Tuberculosis.

While there had been an attempt to enlist the medical profession in the issue, in 1900, the labors of this society were initial and tentative, and only originated as a question of forensic medicine, which did not so deeply interest medical men outside the Medico-Legal Society, as it should have done; but the session of the American Congress of 1901, at the Hotel Majestic, on May 15th and 16th, 1901, was indeed splendidly successful in the organization of, and the real inauguration of a superb movement, international in scope and purpose, and based on the co-operation of not only the American States of our American Union, but on every State, province and country in the United States of America, in Mexico and in the South and Central American Republics and in the Dominion of Canada."

This meeting is the fruit of great labor, to interest and arouse a public sentiment in every portion of our country,and in every country on the Western American Continents in this great struggle.

A glance at the programme of this Congress and of the list of men holding high official positions in our own and all these countries, who have united with it, and their letters will show the deep interest everywhere felt in the success of the labors with which this body has charged itself.

It has resolved itself into a campaign of education, not only of the masses of the people of all these countries, but of both the legal and medical professions in the great problems presented in the conflict that is impending.

I wish to avail myself of this moment in behalf of this body, to thank the government of the United States for that praiseworthy action in sympathy with our efforts, which it has so promptly and cheerfully given,in complying with our request,

and that its sympathy has been made manifest to those governments we sought to interest in our endeavors.

I deem it one of the most gratifying features of our labor and I desire to place on the record of this body, the letters of the State Department of the American government—and to express to the American Secretary of State the great pleasure which the action of the government of the United States of America has aroused in our officials boards.

The action of the American Government has been of the most gratifying character.

The following letter from the office of the Honorable, the Secretary of State, shows that the warmest sympathy exists in our Government for the success of the efforts of the Congress, and we hope will result in each country being represented by delegates named by the Governments:

Department of State, Washington.

April 4, 1902.

Clark Bell, Esq., Secretary American Congress of Tuberculosis, 39 Broadway, New York City.

Sir.—I have to acknowledge the receipt of your letters of the 25th and 28th ultimo, in regard to the session of the American Congress of Tuberculosis, which is to be held at the Majestic Hotel in New York City in May next.

In compliance with the request which you make, the Ambassador to Mexico, and the Ministers to the Central and South American States, have been instructed to express to those Governments the pleasure with which that of the United States would learn that they found it convenient to be represented in the Congress. I am Sir,

Your obedient servant,

DAVID J. HILL,
Assistant Secretary."

The Secretary of the American Congress of Tuberculosis applied to the State Department requesting that similar action be taken by our Government in respect to the Dominion of Canada and that of New Foundland, to that already announced with the Latin American Republics in the Western Hemisphere, and the following letter has been received from the American Government, and the delay in the issue of the Journal enables us to announce it in the current number.

Department of State, Washington.

April 10, 1902.

Clark Bell, Esq., Secretary and Treasurer American Congress of Tuberculosis, 39 Broadway, New York City.

Sir:—I have to acknowledge the receipt of your letter of the 5th instant and to inform you that in compliance with the request therein made, the British Embassador has been asked to make known to the Governments of Canada and Newfoundland the value which the American Congress of

Tuberculosis sets upon representation by those Governments at the forthcoming session of the Congress at New York City in May next, and the hope of this Government that they may find it to their interest to be represented by delegates. I am, Sir,

Your obedient servant,

DAVID J. HILL,
Assistant Secretary.

The dates of these letters and the great distances, some of the South American Countries are from us, left the time far too short to communicate with and receive replies in time for even our adjourned session.

The government and people of the Dominion of Canada were fully aroused to the necessity of action, and the Canadian members of our body have been among the most active and zealous of the officers of this Congress during the work of the past year.

It becomes one of the most agreeable duties with which I am charged to introduce to you the president of this body, chosen at its last meeting, a gentleman of high position and prominence in the medical profession in our country, one who has served for years as Secretary of the State Board of Health of his State, and who since his election as our president has been elected President of the American Public Health Association, who will now pronounce his presidential address, Dr. Henry D. Holton, of Brattleboro, Vermont.

PSYCHOLOGICAL.

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as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico-Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1902 are as follows:

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RESULTS OF PSYCHICAL RESEARCH.

BY REV. MINOT J. SAVAGE, D. D.

[*Concluded from March Journal*]

Eleventh. There is a lady living in a small town in the northwestern part of the State of New York. Her husband died a few years ago. On one occasion she had a sitting with Mrs. Piper, but did not get results which were wholly satisfactory to her. About a year ago, on the occasion of some anniversary—whether of his birth or their wedding, I do not know—she went to the cemetery to place on his grave some flowers of a special kind of which he had been fond. Suddenly, and to her great surprise, she felt a vivid impression of his presence. It was so marked that she spoke to him as if he were there. Tell him what I am doing. Do this as a test, so that I may know." It happened that at this very hour Dr. Hodgson was having a sitting at Arlington Heights with Mrs. Piper. Into the midst of the sitting, breaking into the communication that was supposedly being received from some other source, this personality came. He detailed at length and in particular the fact that he had just been to his wife's home, and had found her at the cemetery placing flowers on his grave. He told what these flowers were and said, "She has begged me to come and tell you about it as a test, and I am here." Careful note was made of these facts, and as soon as communication could be made by mail, they were verified in every particular.

Twelfth. An English girl was engaged to be married to a young American who had been a student abroad. They had met at Heidelberg. He died suddenly after returning to this country. She came over here shortly afterward to visit his mother. While in New York she went to a medium. There

was no appointment beforehand, and there was no way by which the psychic could know who she was. Taking her turn, she sat down by the medium, who went into a trance and began to speak. Immediately the girl's lover claimed to be present. He told her a number of things which only they two had ever known. He recalled circumstances connected with their acquaintance abroad. Now, it so happened that this young lady's father was an English officer in the war in South Africa. Among other things which the young man told was this: He said, "I am glad that I have been able to save your father's life once or twice during the past summer." Now comes the strange coincidence, if coincidence only it be. The father writes home from South Africa, being entirely ignorant of all that had taken place here, and relates what seems to him a somewhat remarkable fact. He tells how he was sitting in his tent one day when there came upon him suddenly an unaccountable impression that he was in danger. It was as though some one were trying to make him feel this and induce him to move. So strong was the feeling that he got up and went over to the other side of his tent. He had hardly done this before a shell struck the chair where he had been sitting. Had he remained there he would have been instantly killed. Of course, it is now asserted that this is anything more than a coincidence; but the suggestion is made that coincidences of this sort have been so very frequent as to make one wonder as to whether there is not some deeper meaning in it all.

It may be worth while now, roughly to classify the kinds of facts which are communicated. This will help us to see as to whether one theory or another seems more easily to fit the case.

First. There are hundreds of facts communicated with which one or more of the sitters who are present are well acquainted beforehand.

Second. There are things told which none of the sitters ever knew, but which it is possible the psychic may have known.

Third. There are no ends of facts communicated which the psychic by no possibility could ever have known, but which may have been known to some of the sitters.

Fourth. There are facts related which no person present, sitter or psychic, ever knew.

Fifth. There are things told which are not known by any of the persons present, but which presumably may have been known by some living person somewhere in the world.

Sixth. There are cases of facts communicated which no living person in the world knew at the time or could possibly have known.

The object of this classification is only to call attention to the point that the theory which is ultimately accepted must be one capable of including and explaining all this variety of facts.

It must also be remembered that apparitions and the movements of physical objects must be accounted for.

TWO THEORIES.

Now, there are only two theories which at the present time claim the serious attention of serious people. These are what have come to be widely known as the telepathic and the spiritistic theories. So zealously is the telepathic and the held to and advocated by the determined opponents of the spiritistic, that the impression is made on the public mind that we know a good deal more about telepathy than we really do. Let us see just what it is that we know.

TELEPATHIC THEORY.

There are sporadic cases of impressions or definite communications made between living minds at a distance. There are enough of these, and they are definite enough to preclude the theory of coincidence, so that they are recognized by all serious students as real. They are, however, as I have said, generally sporadic. The law in accordance with which they take place is not known, and they are not producible at will. Attempts have been made to communicate definitely from mind to mind, but with somewhat indifferent success. There have been hits enough to show that something real was taking place, but the hits have not been so numerous as the misses. This, then, is the real state of our knowledge in regard to telepathy. The theory is stretched and made almost all-inclusive, and the supposed agent at work is credited with almost unlimited powers and universal knowledge. This is done, not because there are any facts in existence to support

such a claim, but merely because it seems to be the only alternative if the serious student wishes to escape the acceptance of the spiritistic theory.

OBJECTIONS TO TELEPATHIC THEORY.

That the sub-conscious self can go at will and get facts, now in one country or state, now in another; that it can pick out at will the friends of the particular sitter who happens to be present; that it can select facts which concern both living and dead, and which are apart from each other by years in time, as well as by thousands of miles in space; that it can combine separate qualities so as to successfully simulate a personality, and that the particular personality which the case requires; that it can at different sittings bring together just the facts to fit the person claimed to be present; that at a subsequent sitting it can remember all these multitudinous details, begin where it left off weeks before, and go on in perfect consistency with all the facts brought out before; that all this is possible to the subliminal seems to pass the bounds of belief.

If, now, the reader will carefully look over the numbered list of cases which have been presented, he will be able to make up his own mind as to what ones of them would seem to be explicable on the theory of telepathy and what ones would not. There are at least half of them, which, in my judgment, telepathy does not touch. If any one chooses to assume that the subliminal consciousness of somebody can do any conceivable thing; travel over the world and find out any conceivable item of knowledge; tell of things that nobody in the world knows; resurrect facts from a long-distant past, and move physical objects without physical contact—if, I say, any one chooses to assume a theory like this, why, there is nobody who can prevent his doing it. But if he claims that it is scientific or that there are any known facts or adequate reasons for such an assumption, then, I submit that he will be likely to place under suspicion his reputation as a sane, fair-minded and careful investigator.

SPIRITISTIC THEORY.

Let us now turn for a little and consider the spiritistic theory. It is an axiom of science that one must keep to the nearest and seemingly most natural theory in attempting to

explain facts which are not yet scientifically accounted for. We must not explain the unknown by something else which is still more unknown. But it seems to me that a reasonable claim may be set up in favor of the statement that the spiritistic theory is nearer to the natural and normal than such an expansion of the telepathic as would seem necessary to account for the facts with which we are dealing.

If we assule the existence of the people who used to inhabit this earth, their agency might easily explain and account for all the wide varieties and classes of experiences which we have been considering. This theory would naturally account for all the mistakes and failures which have been recorded. We know that people in this world make mistakes and forget, and there is no reason to suppose that the moment a man dies he becomes either a perfect angel or a perfect devil. There is nothing in the fact of death with which we are acquainted to suddenly change one's nature or personal characteristics. What the difficulties of communication are on the spirit side—if there be any spirit side and any communications—we do not know. That difficulties should exist, it is not unreasonable to believe. It is no part of my present purpose to go into a discussion of what these may be. I only wish, in a general way, to assert that I have never had an experience or known of a well-authenticated account of one which might not be rationally explained on the supposition that there are invisible beings about us, who are interested in our affairs, and who, under certain conditions, can come into contact with our lives.

It may be important, however, to note briefly a few objections which, so far as my study of these matters is concerned, have been frequently brought up.

OBJECTIONS TO SPIRITISTIC THEORY.

First. It is commonly said that the communications which are claimed to be received from the other life are trivial. They seem to me to be very much what we ought to expect, on the supposition that death does not radically or suddenly change people, whether as to character or intelligence. People have frequently asked me what sort of messages I have received; and I have sometimes said that they were about on the level of my daily mail. I get wise letters and commonplace ones and fooish ones; but those which really come from

noble and wise people are not always over-dignified, nor do they deal with the great problems of the universe. They are frequently taken up with the simplest, commonest, most personal matters; but they are perfectly natural and fitting in the circumstances which called them forth. If people after death are just "folks," substantially the same kind of people they were here, introduced into new conditions, and with infinite possibilities of growth and progress ahead of them, there is no reason why we should not get from them at first simple personal messages, if we can get any.

And it is to be remembered that if their object should happen to be to convince the friends left behind that they are still alive and that they maintain their personal identity, this could be more readily done by reference to old and common and simple things than in any other way.

Second. It is said that we get no satisfactory descriptions of another world or another life. Here two points may well be made.

In the first place, if they should enter into elaborate and magniloquent descriptions of another world, we should feel at once that the statements were open to suspicion. At any rate, there would be no way of our testing the matter and finding as to whether what they had told us was true or not; and the one thing of importance, at the outset, at any rate, is, if such a thing is possible, to estalish the fact of continued existence and of personal identity.

It may well be true (and this is what the intelligences communicating have told me over and over again) that it is impossible for them to give us comprehensible descriptions of their present state of being. A very little thought will show us that all our knowledge is limited by human experience. If, then, the conditions of that life transcend human experience—and most certainly we should expect them to do so—then by so much as they transcend what we have so far experienced here by so much they must remain unknown to us until we get there. It may be possible and practicable to establish the fact of continued existence, and yet it may remain impossible for us to get a clear and definite idea as to the nature of that other life. This seems to me precisely what in the nature of things we should expect.

Third. If by important communications from the other life it is meant that no high and fine ethical and spiritual teaching is received then the statement simply is not true. If any one will take the trouble to make himself acquainted with the best literature in this direction he will find that there is no nobler religion, no grander morals, no sweeter humanities, no more hopeful outlook for the world to be found anywhere on earth than is to be found here.

Fourth. It is sometimes said that the spirits have done no good. The question is asked as to why they do not help somebody; why they do not solve our perplexing mysteries, unravel judicial tanges, give evidence in courts of justice or engage in works of philanthropy. The answer is, that so far as these law points are concerned, though I have seen them suggested more than once in the newspapers, they are absurd on the face of them. Is there any judge in Christendom who would accept testimony from this source as a part of any judicial trial? There are on record no end of cases where mysteries have been solved and family tangles unraveled. There are a good many other cases where attempts have been made in this direction, but where the persons concerned have refused to have anything to do with them. There are on record a large number of cases (and with many of them I am familiar) where great services have been rendered, sometimes even to the saving of life. As to good being done, among the cases which I have offered in this article, are those of practical philanthropy, wide-spread and long-continued.

Fifth. Another objection offered frequently as against the spiritistic theory is that so many sittings are failures. Here let it be remembered that a great many who claim to be mediums are outright and intentional frauds. There are others among them who are undoubtedly honest, but self-deluded. Certain strange things happen, and they straightway fly off to another world to find an explanation for them, when it might easily be discovered nearer home. The failures that occur in the presence of those who possess genuine psychic power, seem to me to be very easily explained. If these communications do come from real people in an invisible world, then of course the psychic has no more control over them than does a telegraphic operator over a message that

may be received for transmission at the office. If there is no one who wishes to communicate, or if the one who is desired is not present, then of course the sitting, from the point of view of this world, would be a failure; but the physic would not be to blame. Indeed, on this theory the frequent failures of the physics are a point in their favor. If they were expert tricksters merely,there would ordinarily be no need of failure; and on the theory of telepathy it would seem that they ought not so frequently to occur. In other words, it seems to me that this fact is a point against the telepathic theory and in favor of the other.

CONCLUSION.

In conclusion, then, let us take note of a few facts. All normally constituted people wish to continue to live beyond the incident of death. It was this great faith which more than anything else or all other things combined gave the young Christianity its power of conquest over the Roman world. But the happenings which made the early Christians feel sure took place a good many years ago. The witnesses for them are now not accessible. We have not the first-hand testimony of a single eye-witness to any of them. The modern spirit of inquiry has raised the spirit of doubt in thousands of minds. The world would like, and the world needs, a re-enforcement of its trust in this direction, if it may be legitimately obtained. The great representatives of the Christian faith are constantly lamenting that our modern civilization is in danger of being submerged beneath the floods of dark materialism. In our great cities the possession of wealth appears to be the great object of the majority of human beings. The churches lament that the methods by which a man becomes wealthy are easily forgotten, and that the simple fact of wealth assures a man high position in society, and a preponderating influence even in the church itself. On the other hand, the great mass of the world's laborers are restless, and the foundations of our social and industrial order seem to be threatened by the upheaval of wide-spread discontent. The Socialists in Europe are openly saying, "It used to be the church and the nobility; now it is the church and the bourgeois. They have been telling us from time immemorial that we ought to be contented in the position in which Providence has placed us, and look for our

reward in another world. We no longer believe in any other world, and we propose to have our share of the good things in this. If we cannot get them by peaceful means, we propose to get them anyhow." And, after all, can any serious thinker very much blame them? If this world really is only a cosmic dog-kennel, whose roof is the over-arching blue; and if, when we get through here, that is the end of us, why should one fortunate animal sit beside a huge pile of very attractive bones a thousand time more than he himself can devour, and, like the dog in the manger, spend his life in keeping them from being devoured by anybody else? If the time ever comes when the blief in another life has entirely faded out, then our present slowly-progressive order of affairs will experience such earthquakes as the past has never known. I believe that a real working conviction that man is a soul and has a body, and that Browning's saying is true that the only matter of importance is "the culture of a soul," is more vital to the welfare of the world than all our development of wealth, all our inventions, all our discoveries, all our enormous advance of knowledge in any other direction. Buckle, the author of "the History of Civilization," says, "If immortality be not true it matters little whether anything else is true or not.." This conviction would put meaning into the life of the rich man and make him feel that the real thing to live for is the development of the character of men and helping them to find and live out their true selves. On the other hand, it would be an unspeakable boon to the poor. It would not make them contented to go without the means of decent living, of culture and of self-development; but it would help them to know that the real man was something more than the means of living. It would make them know that the best things of the world are no monopoly of the rich or favored class. It would make them know that he who is true to himself and to his high ideals is living the only successful life. It would make them know that this world is only a primary school. It would help them to remember that the important thing is not a cushioned seat in the schoolhouse, nor velvet-covered text-books, nor rich stuffs for clothing. They would understand that the only important thing is to get one's lessons well and be ready to graduate. It seems to me, then, that I say well that a new, a great, a

working conviction in this direction, as revealing to man his essential self, is the most important object of knowledge for the modern world.

There is no fresh evidence likely to be discovered along any other lines than those of psychical research. As said at the outset of this article, these statements of facts which are being investigated now are of precisely the same kind and general character as those on which the great religions of the world have been based in the past. The advantage is with the modern statements, because the happenings can now be investigated, and the witnesses to them can be cross-questioned. But while the world would like a re-enforcement of its faith in the hereafter, all sane and honest men desire above all things else that the simple truth should be known. All honest inquiry will exert itself to the utmost to avoid any bias likely to lead it astray. As the result of the careful investigations of serious-minded inquirers, a large body of facts has at last been satisfactorily established. These things have not been done in a corner, and they can no longer be simply sneered at and set aside. Statement of facts which are acknowledged by all competent students of these matters have been presented in this article. Enough of them have been set forth to give the intelligent reader grounds for judgment as to their importance. Only two theories have been seriously advanced to account for them. One is telepathy, or mind-reading, and the other is that they are the work of invisible intelligences. I confess that I strongly incline to accept the latter theory. It seems to me more simple, more natural, nearer to what we really know, and better fitted to explain all facts. I am compelled, therefore, to accept it as a provisional hypothesis. If somebody can explain my facts in some other way I should be bound to consider what he might have to offer; for no man can afford to close his mind to new truth. He must be ever ready to reconstruct his theories and make them accord with any newly discovered facts.

Here, then, I rest for the present. The reader must, if he be serious-minded, not put these things one side, but consider them carefully. Then, as to what they mean, "let every man be fully persuaded in his own mind."

NATURAL OR SUPERNATURAL?

"SPIRITS" OR TELEPATHY?

BY F. E. DANIEL, M. D., AUSTIN, TEXAS,
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It has ever been the tendency of the human mind to attribute to super-natural causes, phenomena which cannot be explained or accounted for by natural laws. It has not been a great many years since all electrical phenomena were so regarded, and at one period in the world's history even thunder and lightning were said to be an expression of the "wrath of Jove." To this day, the ignorant assign to some extra natural agency certain phenomena which the more enlightened understand perfectly well. And this is quite natural. But in this age of enlightenment, and progress in every line of human thought and achievement—unless I except theology—it is to me most surprising that educated men,—men of strong mentality, vigorous intellect and reasoning powers cultivated and stimulated by study, reflection and daily exercise and practice,should still hold on to the worn out and exploded doctrine of "spiritism" or "vitalism." These dogmas of the church dominated the intellectual world for ages, and kept the human mind in the bonds of superstition. They held that man's life, or "spirit" was, "from himself a thing apart;" a something—nothing,—external to man, which entered his body at birth, dominated it, controlled it, shaped his acts, and at death left the body and maintained a separate existence for all time and eternity. To hear able, and otherwise sensible men speak seriously of "disembodied spirits," and of "communications from the dead to the living" strikes me as being absurd. For my part, I utterly repudiate all such agency as "spirits." It is superstition pure and simple. The "dead" cannot "communicate with the living." There is no such thing as "spirit,' any more than there are

"angels," with material wings; both are purely mythical. It is transcendental. Man cannot know anything except through his senses. Hence, all knowledge is empirical. He can conceive of nothing that he cannot symbolize in his mind, hence the attempt to symbolize God results in the anthropomorphic idea of God. True, man can have a reasonable faith in the existence of things which he cannot know,—which cannot be rendered tangible to any of his senses. He can arrive at conclusions,often correct,by reasoning from the known to the unknown. By inductive reasoning he "knows" that atoms exist,that ether exists. No man ever saw an atom; but there is reason for the belief or faith that atoms do exist.

In this way, reasoning from observed effects on the neighboring planets, and without ever looking into the sky, Leverrier reached the conclusion that there was a large body outside of and beyond the orbit of Uranus. He sent his calculations to the observer at Berlin, and told him to turn his telescope to a certain point in the heavens at a certain hour, and he would find a large planet, which, he was sure, must be there. Behold, the discovery of Neptune.

Matter (mass) may be divided and subdivided until the vanishing point is reached. There is no reason for the belief in "spirits," and no proof or evidence can be adduced in support of the belief. It is contrary to reason and common sense. It is a falling back upon the supernatural to account for the phenomena which, in the present state of the human mind and knowledge are inexplicable, but which, in time, will be understood and accounted for by natural laws. The belief in "spiritual beings," "disembodied spirits,"—"immaterial substance," it is called, (a contradiction of terms) is not hard to account for on the principle of heredity and (misdirected) education. The idea of a "spiritual being" without form or shape—(concepts of the human mind)—and having no corporeal existence, but yet is credited with the physiological functions of a material organism—finds the culmination of absurdity in that dogma which ascribes to a "spirit" or "ghost" (called "holy") the powers of reproduction of the human species—purely a human physiological act. Men laugh at the amours of the mythical Jupiter of the Greeks, whose chief pastime seems to have been the begetting of children by men's wives, yet they accept in all seriousness the statement that the Jupiter of the Jews, "Jove," "Je-

hovah," "Yehveh," the myth upon which the Christian religion is founded, "overshadowed" a 'virgin' and begot a son, who, like the progeny of Jupiter, at death, "ascended into heaven" and became a god. This is superstition in its rankest form, a "miracle," and yet learned men believe it. Parthenogenesis, ("the creation of a new individual of a species from a female cell without the intervention of the male element"), is an established fact in biology, but has never been known to occur in man or any of the higher animals, but it does occur in certain plants, and in certain of the lower forms of animal life. (Alternate generation. Heterogamy.)

The late Professor Norman, of the University of Texas, at one time thought that he had produced young sea urchins by chemical means, from the unfertilized ova of the female; and Professor Loeb of the University of Chicago, is now engaged and with hope of success, in endeavoring to produce, synthetically, the "male element," whereby he expects to fertilize the ova of the sea urchin, and thus produce a living animal.

Surely those learned gentlemen who hold to the faith ("faith, the sleep of reason") in a spiritual existence, and talk and write learnedly of "disembodied spirits," attributing to them the physiological functions of the living organism, have not made themselves acquainted with the wonderful advances and discoveries in physiology, chemistry, embryology, anatomy, and in general physics, that have been made and become public property in the last half of the nineteenth century. I will speak of this later.

I take the mechanical view of life, that held by most physicists and biologists, and taught by the great expounders of the monistic philosophy, and of what has come to be known as the Science of Energy or Energetics.

I assume that those who read this are sufficiently familiar with the Law of Conservation of Energy and the Correlation of Forces, promulgated (1845) by Robert Mayer, a young physician of Wurtenburg, and elaborated and forever firmly fixed in the mind of all scientists by Helmholtz in his celebrated essay on the subject; and with the Law of the Indestructibility of Matter (Lavoisier, 1789), "nothing is created, nothing is lost, all is change of forms,"—and I need not do more than allude to them, further than to say that the Science of Energetics applies to all phenomena, seeks to explain all

phenomena of the universe, including those of human life. It embraces and unifies all other sciences, and has brought or will bring them under its dominion. "According to most physicists the phenomena of the universe call into play, two, and only two, elementary and fundamental things; to wit: matter and energy. All that we see consists of changes in the one or the other of these two forms. This, one might say, is the postulate of experimental science." (A Dastre. *Revue des Deux Mondes*, 1898.)

I need not say that all energy is derived from the sun; nor more than allude to the reciprocal functions of animal life and plant life. Plants store the sun's energy, and we find it, after millions of years, still stored in the coal we dig from the bowels of the earth, where it has remained all these centuries in the latent or potential state. Plants split up the carbon dioxide of the air, freeing the oxygen,—man's vital necessity and that of all breathing animals, and store the carbon in wood, starch and sugar. It is the action of oxygen on the carbon, whether in coal or wood, or in our own aliment, (essentially carbon and nitrogen compounds) which liberates this energy, converting it from the latent, or potential state into active (kinetic) energy. This, in the animal economy is subdivided or specialized, and expressed in the various well known forms of 'radiant' energy, 'thermal' energy, 'kinetic' or moving energy, 'chemical' energy, and 'electric' energy, (including magnetic). These forms are all correlated, and are intro-convertible, transformable, the one into the other, except heat energy. That is not transformable directly, into any other form of energy. Take the locomotive for an illustration. The combustion of the coal put into the furnace (a chemical process, oxidation) liberates the potential energy stored in the coal by the sun. It is expressed in those "modes of motion" (molecular) known as heat and light. The heat changes the molecular arrangement of the water in the boiler, converting it into an expansive vapor, which, being confined seeks to escape, and thus drives the piston which moves the engine and train, (mechanical energy, kinetic energy.) The steam also propels the dynamo, whereby a part of this liberated energy is "specialized," and transformed into electric energy, which is expressed in the head light that blazes on the locomotive's front, and in the incandescent light, whereby the coaches are lighted.

Man's energy, (his life force) and that of all animals is derived from the food put into his stomach, and from the reserves of nutrition already stored in his tissues. All food that has nutritive value, is essentially carbon and nitrogen in endless combination. The liberation and conversion of this latent (potential) energy is effected by chemical means, oxidation, combustion, and it is expressed in all the phenomena associated with the life of the animal; heat, muscular motion, (kinetic energy, mechanical or "work" energy;) secretion, digestion, assimilation, metabolism (destructive and constructive*) and consciousness, the fundamental state upon which rests the mind, with its multifarious phases or functions of thought, volition, memory, ideation, all the higher intellectual faculties. How consciousness arises no one knows, yet, any more than he knows how 'life' began—what gave to "matter" (protoplasm, the primitive cell), sensation, motion and I am sometimes disposed to think intelligence, consciousness. But consciousness is doubtless a product of the food taken into the stomach. It is a part of the life energy liberated by the chemical reaction between carbon compounds of the aliment, (and the tissue reserves) and the oxygen taken in through the lungs, and is specialized or told off for special work, by the wonderful electro-chemico dynamic apparatus we call the 'nervous system,' properly, the net work of special cells, (neurons) that ramify in and connect every part of the body. It is electrical. The mind in all its phases, is the function or product of the brain. It is a force, a specialized force, and is electrical. We see, hear, feel, think and act by electricity. The touch, the thrilling kiss, is but an electrical discharge. This force, the mind, can be directed by the will. It is a power capable of overcoming gravitation and lifting ponderable matter, to some extent. We have the authority of Elliot Coues for saying that he has seen three legs of a heavy dining table leave the floor, when he and his wife were alone in the room, and without the application of any other force than that of the mind. He calls it "levitation." It can be directed towards a person, say across a hall, or church, or theatre, and that person be made to feel it. It will wake a sleeping person to look at him—the force being expressed

* "The power that organized bodies possess of continually using up and renewing the matter composing the body." Cuvier's "vital vortex," the endless circulation of matter and energy from the outside world through the human system by ingestion, secretion and excretion.

through the eyes. We all know how an eloquent speaker can sway men's thoughts, and move them to overt acts,—even to commit violence.

The mind, then, (and when I say mind, I mean all that is understood by the term), including what is called the 'soul,' whatever that may be thought to be, is electrical energy, generated by chemical action, and is purely mechanical; it is a mode of motion, generated by a living organ, the brain, and as surely ceases when the combustion which has produced it ceases, when the brain dies, as does the flame of a lamp when the oil or wick gives out. I can as nearly understand and believe that the light of the incandescent lamp by which I pen this, exists and persists, for all time, as this special and individual, separate light, as that a life force, generated in precisely the same way (combustion, oxidation of carbon) and specialized into the electrical form of energy, can continue after the death of the organ, and consequent cessation of the processes whereby it was produced. It is now known that all animal life is of a kind, differing only in degree of development; and if man has a "spirit," (*spirare*, to breathe) or a "soul" (*psucho*, breath, to breathe), every breathing animal, at least, has a spirit or soul. In fact the line cannot be drawn anywhere from the amoba or the moneron, to man.

I conceive of life then, in all its phenomena, including the psychic, as chemical in its origin, chemical in the union of the male and female cell in utero—an expression of chemical affinity in exact fulfillment of an immutable law, and that the building up of the resulting embryo—and fetus—and child—and finally the man, is a purely mechanical process; the result of combustion, the conversion of potential into active energy which is expressed in all the various modes of molecular motion, kinetic energy, radiant energy, thermic energy, electrical (including magnetic) energy; and is exactly comparable to the process we see in the furnace and the lamp. I will not here enter into an explanation of what is called the "initial impulse" which starts the combustion, the respiratory process whereby the oxygen is admitted and the dioxid of carbon is exhaled; but being started, like a fire, it continues to burn, as long as fuel (food) is supplied. If any one doubt that consciousness and all mental states are evolved from the aliment, within and by, the human machine, let him withhold all food and see how long consciousness will remain. It

would be as reasonable, it seems to me, to speak of the immortality of digestion, as of the immortality of the spirit, for the 'spirit' is the breath, the function of respiration, the intake of oxygen, the output of carbon dioxid.

The question of soul—spirit—life,—of consciousness, is not transcendental. It is purely a physiological problem,—partly already solved in the biological laboratory. When solved it will be found to fall within the domain of physics and chemistry, and come under the laws which govern molecular mechanics. There are no 'two minds.' I am not acquainted with any authority that admits the postulate upon which Mr. Hudson bases his elaborate "Laws of Psychic Phenomena," unless I except Maudsley, and I think he was laboring under a delusion, just as, in my opinion, Mr: Hudson is.

There are many phases of one mind, consciousness being fundamental. Consciousness is a part of the higher activities of the mind, (soul?) and as such, is dependent on the normal structure of its psychic organ, the brain.

The most important discovery in the anatomy and physiology of the brain in recent years is that of the organs of thought. (Flechsig). "They are the real organs of mental life; the highest instruments of psychic activity that produce thought and consciousness. At death their psychic activity is extinguished like every other physiological function." (Haeckel.) This, and other discoveries and advances along the lines of biological (zoological) research, and in general physics have, in the scientific mind, destroyed the myth of "spiritism;" but blind faith, faith in most preposterous things, faith in "miracles"—by heredity and ceaseless iteration and reiteration by tongue and pen, is so firmly fixed in the mind of the great majority, the enlightened (on all else) as well as the unenlightened, that reason will never uproot it.

Mrs. Piper's exhibitions of a wonderful faculty as little understood by herself as by anyone else, defy, in the present state of knowledge, a satisfactory explanation. Clairvoyance and clairaudience, Dr. R. M. Bucke, of London, (Evolution of the Human Mind, *New York Med. Record*) calls "the dawning of a sixth sense." I, of course, offer not a suggestion of an explanation. I incline to the belief, however, that "telepathy" gives a cue which, like the mythical thread given Theseus by the beautiful Ariadne, would, when he shall have slain the Minotaur, lead him out of the Cretan labyrinth, may

guide us to light. I am satisfied in my own mind that, however inexplicable all the manifestations of this mysterious faculty, all the so-called psychic phenomena witnessed at her seances are,—they were the emanations from a living brain, present or absent.

Regarding mind as an electrical form of energy, a force which expresses itself in such puzzling phenomena, a mode of molecular motion, waves—vibrations—bearing a strong resemblance to the electrical energy generated artificially, and which the immortal Marconi has demonstrated can be projected through space and awaken response on the part of a suitable receiver 2,000 miles away, I see no reason why, at no remote day, the laws that govern what we all are bound to recognize as thought transference, clairvoyance, etc., should not be revealed to man by investigation along this line. The gateway has been opened by Helmholtz and Hertz; the possibility of transmission of electrical energy thro' space has been demonstrated by the great Marconi, "psychic phenomena" may, in time, be explained upon the principle and in accordance with the laws that govern all electrical phenomena.

I append two quotations quite apropos of the subject, and with which my views are entirely in accord.

"The principle of energy, and the correlative idea of the unity of natural forces on the basis of a common origin are now accepted by all competent physicists, and are regarded as the greatest advance of physics in the Nineteenth Century."—Haeckle, Riddle of The Universe.

"The phenomena of life can and should be explained solely by the working of the physical forces which control the material universe. Among those forces electricity plays a predominating part." (Ernest Solvay, Address at Brussels, December, 1893.)

[In an article like this, which must conform to the requirements of the occasion (a symposium, etc., "views as to psychic phenomena, tersely expressed") I cannot go into a discussion of the question raised by other contributors as to the nature and limitations of telepathy; whether it is limited to two persons, or may be transmitted through several living brains. Nor can I even allude to the details of electrical en-

ergy as generated in the living animal organism—and its mode of transmission; nor touch Faraday's (now accepted) theory of electrified or vitalized atoms.]

NOTE BY THE EDITOR:

The Brain is the organ of the mind—the instrument the mind employs in its work. It is impossible to say that the mind is the product of the brain. Thought is the production of the mind and in a sense "thought" may be called the product of the mind, as the result of the use of the instrument on which the thought is created. The same as the tune or arrangement of some product by the artist on the violin. That tune is only a memory, but like thought it is an entity. The mind is undoubtedly a force, a specialized force, an electrical force, but is not a function or a product of the brain. We have no evidence that the mind is generated by chemical action, or that the soul of man is within the law of physics, chemistry or molecular mechanics. It would require an imagination of great activity to accept any such hypothesis. It would not be in accord with our ideas or knowledge of natural laws. We shall be willing to recognize any truth that science demonstrates or brings to our consciousness. It has not yet come to us. Dr. Daniel, who has no faith in matters spiritual, shows a magnificent faith in the final illumination which may come some day to his consciousness, and which he sees already with the eyes of his marvelous faith. The blind devotee of any form of religious faith has never reached the heights and attenuations of such a mind, that can accept his hopes, his aspirations and his dreams, even, instead of demonstration. "Faith is said to be the evidence of things hoped for, but not seen," and this superb and splendid illumination of the scientist, contrasted with the similar phantasies (as he regards them) of religious believers, exhibits marvellous examples of the mysterious workings of a human soul. No! "There are more things in Heaven and earth than are dreamed of in thy Philosophy, Horatio."

AMERICAN CONGRESS ON TUBERCULOSIS.

THIRD ANNUAL SESSION, JUNE 2, 3, 4, 1902.

Preliminary to the Session.

The call for the Third Annual Session of the Congress was as follows:

THE AMERICAN CONGRESS ON TUBERCULOSIS.

The Third Annual Session of this Congress is announced to be held on the 14th, 15th and 16th of May, 1902, at the Hotel Majestic, 72d Street and Central Park, West, in the City of New York, in Joint Session with the Medico-Legal Society. There will be two sessions each day and no evening session, except on the 15th, when the Banquet will be given. This will enable delegates from distant States and countries to enjoy the amusements and attractions of the city.

Arrangements will be made with railway companies for a reduced rate of fare, the details of which will be announced to the delegates.

In addition to the Vice-Presidents chosen at the sessions of May 15 and 16, 1901, the Executive Committee have authorized the appointment of three Vice-Presidents from each State, Country and Province, and an Honorary Vice-President from each. Under this authorization about seventy additional Vice-Presidents have been named who have already accepted, but in some of the Countries and States all of them have not yet been named. Of the Honorary Vice-Presidents all but two of the Provinces of the Dominion of Canada have accepted already, and six from Governments. Among those who have accepted from the American States, already, five are Governors of States and others high public officers.

When completed, these officials will be all duly announced. There will be, aside from all papers of a miscellaneous nature, FOUR SYMPOSIUMS, arranged each to occupy one session of the body, viz.:

1. PREVENTIVE LEGISLATION, EMBRACING THE SOCIAL, MUNICIPAL, AND STATE ASPECTS OF TUBERCULOSIS. (What aid should be expected from the State in the cure and prevention of Tuberculosis, and how shall this be secured?)
2. TUBERCULOSIS IN ITS PATHOLOGICAL AND BACTERIOLOGICAL ASPECTS.
3. THE MEDICAL AND SURGICAL ASPECTS OF TUBERCULOSIS. (Embracing Sanitoria and Climatic Conditions, Light and Electricity.)
4. THE VETERINARY ASPECTS OF TUBERCULOSIS.

These will each be in charge of a Committee who will arrange for the opening papers, and for those who participate. These Committees will be arranged with great care and duly announced.

A large number of the enrolled members have already announced the titles of their papers for the Session of 1902, and a still larger number have sent their names to the Secretary, who will contribute papers and send the titles later.

The Presidents of the Central and South American Republics, and all Governments on the American Continents, have been invited to send delegates and to name suitable persons to act as Vice-Presidents, and their men of Science requested to enroll and contribute to the work of the Congress, many of whom are already represented by delegates. No attempt will be made to classify and arrange these until the Programme can be announced, but, if thought advisable, a preliminary announcement will be made before the Annual Meeting, of the titles of papers and names of authors.

Those who were named as delegates by the Governors of States, or Medical or Scientific bodies, for the Session of 1901, are cordially invited to enroll for the Congress of 1902. The enrolling fee will be $3, which will entitle the member to the Bulletin of the Congress of 1902.

All Medical Bodies, and Scientific or Legal Association, or Associations of the Bar, are invited to send delegates to the Congress, who will be given the rights of the floor and a vote at the Session.

There will be named a local committee for the Session, of strong names, who will do everything in its power to make the occasion one of great interest and pleasure to enrolled members.

The enrollment is open to members of both professions in every State, county or province on the continents of America, in the Western Hemisphere, and in American waters, and papers are promised and will be solicited from all who are interested, in foreign countries

You are invited to co-operate and enroll in the Congress.

For details and enrollment, address

CLARK BELL, Secretary,
39 Broadway, New York City.

After the adjournment of the Congress of 1901, before the summer vacation the executive officers acting under the authority of a resolution adopted at the Congress of 1901, which read as follows:

"Resolved, That the executive officers or the executive committee have the authority to name and appoint vice-presidents from States, Provinces or foreign countries selected from the professions of law and medicine, with a view of securing representation in each country on the American continent of both North and South America," issued a circular letter to the Governors of all the States of the American Union, the Canadas and to leading men, and the American ministers in other foreign countries, of which the following is a copy:

Dear Colleague.—A copy of the opening addresses and list of officers chosen at the recent session of this body in New York on May 15-16 last is sent you to solicit your active aid in the work of this body.

The Congress decided to make a permanent organization, and to that end instructed its executive officers to select Vice-Presidents for each State and Province of both American continents. The roll of officers chosen shows a large number of members of Boards of Health that have co-operated in the work. The role accepted by the Congress, was an aggressive one, and the state boards were, many of them, represented on the floor of the Congress by prominent men identified with the Boards of Health, notably in Iowa, Connecticut, Quebec, Ontario, New Hampshire, Michigan, Wisconsin, Vermont, New Jersey and Virginia. Letters of regret from officers of State Boards of Health in sympathy with the movement were received.

To educate, influence and stimulate public opinion in favor of preventive legislation against the spread of Tuberculosis, or the construction of suitable sanitoria for the victims of tuberculosis, would be more easily secured by a numerically strong organization.

The various Boards of Health in the States, Provinces, large cities and local boards, contain the advanced men of the medical profession who are more in accord with the views of the promoters of this movement.

You will be furnished with a list of the delegates appointed by the Governors of some of the States. In those States where delegate were not named by the Governors, there is all the more need of strong men co-operating with our efforts.

We decided to invite a few leading men in each State, country and Province to unite with the organization—and to seek their aid and advice in the selection of at least two or three Vice-Presidents from a State, selected from the professions of law and of medicine.

These Vice-Presidents are requested to arouse interest in their States or localities, and to secure members of the Congress by enrollment.

If only ten men in a State, country or Province unite in the work it will lay the foundations of great usefulness in the efforts we are making to prevent the spread of tuberculosis, and to create a centre of thought in each State, country or Province in harmony with our views and aspirations.

Experience teaches, that great enterprises can best succeed by large bodies of men organized for a common purpose.

1. You are asked to enroll and remit your enrolling fee $3.00.
2. To name a list of men for our consideration in both professions who would in your opinion be suitable to fill the position of Vice-President of the body from your State.
3. To send us a list of selected men to whom you would advise us to apply to enroll and co-operate actively in the work.
4. The Bulletin of the Congress, which is sent free to each enrolled member, cannot be completed before autumn, so as to embrace all articles contributed during the summer vacation, and you are reminded that if the title of a paper is sent to the Secretary, and the manuscript is received by August 15, 1901, space will be reserved for it in the Bulletin of the Congress.
5. An effort will also be made during the summer to obtain information of the present state of legislation in your State, country or Province regarding Tuberculosis, and the construction of sanatoria for consumptives to which you will, we trust, contribute so far as you are able. Asking the favor of an early reply, we remain,

Very faithfully yours,

CLARK BELL, Secretary.

HENRY D. HOLTON. President.

This call was issued on the suggestion of the Medico-Legal Society and the action of its executive officers, and on the approval of the executive officers of the American Congress of Tuberculosis. This action was as follows:

At the November meeting of the Medico-Legal Society, held November 18th, the President of that society reported the action of the Executive Committee of the Medico-Legal Society recommending to the officers and executive committee of the American Congress of Tuberculosis, the importance of an early announcement of time and place of the session of 1902, assuring that organization of its deep interest in its labors; congratulating it on its splendid success in perfecting its organization, and recommending joint action of the Executive Committees of both organizations in preparation for the annual meeting of 1902.

On motion the Medico-Legal Society unanimously approved of the action of its executive committee. This action was reported to the executive officers of the Congress. By the authority of the executive committee a circular letter, of which the annexed is a copy,

was issued in January, 1902, and sent to all its officers and members, and to such members of the medical and legal professions in the several States and Territories of the United States of America, as the Secretary believed would take an interest in the labors of the body.

New York, January, 1902.

Sir.—The Executive Committee of the American Congress of Tuberculosis at its meeting held December 18th, 1901, by the almost unanimous voice of its Vice-Presidents, scattered throughout the States, giving expression of their preference for the time and place of the Annual Meeting, have fixed upon the city of New York, and May 14, 15 and 16, 1902, as the time and place of the Annual Meeting of the Congress, to be held as last year, in joint session with the Medico-Legal Society.

All members of the legal and medical professions and all persons interested in the subject are invited to enroll in the Congress and to contribute a paper to be read at the Annual Meeting, and to send the title of such paper as early as possible to the officers to enable the same to be properly classified, and to devote one session to the discussion of each.

The Executive Committee have directed that three Vice-Presidents be named from each country, State and Province upon the American Continents, both of North and South America, and that an Honorary Vice-President be also named for each.

A large number of these appointments have already been made and the officers of the Congress are now charged with the duty of filling such places which, when completed, will be announced in the regular programme of the Annual Meeting.

It has been proposed that four Symposiums be arranged for the Annual Meeting, by appropriate committees, upon the following subjects:

1. Preventive Legislation embracing the Social, Municipal and State Aspects of Tuberculosis.
2. Tuberculosis in its Pathological and Bacteriological Aspects.
3. The Medical and Surgical Aspects of Tuberculosis.
4. The Veterinary Aspects of Tuberculosis.

It is proposed to have the opening paper under each of these subjects prepared by either the chairman of the committee, or such prominent scientists as shall be selected by the committee to open the discussion.

Will you please indicate to the Secretary under which head you would prefer to be classified and to give the title of your paper as early as possible. If unable to attend, your contribution can be forwarded and read in your name at the session.

Will you, in addition, furnish the officers with a list of the names and addresses of such persons in your country, State or Province, as you believe would enroll and take an active interest in the proceedings of the Congress, and also in those countries, States and Provinces where the appointments have not yet been made of Vice-Presidents, will you kindly indicate to the officers suitable names to occupy the positions of Vice-Presidents in your State, Province or country?

This announcement is made early to enable responses to be received from the countries most distant in time to announce and prepare contributions for the Annual Meeting.

Every indication points to a large meeting, and the interest is increasing beyond our most sanguine expectations. The enrolment fee is $3.00, which please remit to

Very faithfully yours,

CLARK BELL, Secretary.

PRELIMINARY ANNOUNCEMENT.

The Secretary of this body makes the following preliminary announcement:

1. The officers of the Society, as chosen at the session of May, 1901, were as follows:

HONORARY PRESIDENT:

A. N. BELL, M. D., Brooklyn, N. Y.

PRESIDENT:

HENRY D. HOLTON, M. D., of Vermont,
Secretary State Board of Health, Brattleboro, Vt.

VICE PRESIDENTS-AT-LARGE:

HENRY B. BAKER, M. D.,
Lansing, Mich.
E. T. BARRICK, M. D.,
Toronto, Ont.
WM. BAYARD, M. D.,
St. John, N. B.
RALCY HUSTED BELL, M. D.,
New York City.
A. C. BERNAYS, M. D.,
St. Louis, Mo.
J. MOUNT BLEYER, M. D.,
New York City.
GEO. BROWN, M. D.,
Atlanta, Ga.
W. L. BULLARD, M. D.,
Columbus, Ga.
COL. E. CHANCELLOR, M. D.,
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C. K. COLE, M. D.,
Helena, Mont.
T. D. CROTHERS, M. D.,
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HON. MORITZ ELLINGER,
New York City.
JUAN A. FORTICH, M. D.,
Cartagena, Colombia, S. A.
R. F. GRAHAM, M. D.,
Greely, Colorado.
A. P. GRINNELL, M. D.,
Burlington, Vt.
MAJOR A. HAVARD, U. S. A.,
Vice-Pres., Havana, Cuba.
THOS. BASSETT KEYES, M. D.
Chicago, Ill.
LUIS H. LABAYLE, M, D.,
Leon, Nicaragua.
E. P. LACHAPELLE, M. D.,
Montreal, Canada.
LOUIS LEROY, M. D.,
Nashville, Tenn.
DR. EDOUARD LICEAGA,
City of Mexico.
DWIGHT S. MOORE, M. D.,
Jamestown, N. Dak.
WM. H. MURRAY, M. D.,
Plainfield, N. J.
J. A. MCNEVEN,
Gibbonsville, Idaho.
A. E. OSBORNE, M. D.,
Eldridge, Cal.
JOHN H. PRYOR, M. D.,
Buffalo, N. Y.
J. C. SHRADER, M. D.,
Iowa City, Iowa.
J. H. TYNDALE, M. D.,
Lincoln, Nebraska.
C. F. ULRICH, M. D.,
Wheeling, W. Va.
C. S. WARD, M. D.,
Warren, Ohio.
PROF. S. H. WEEKS, M. D.,
Portland, Maine.
CRESSY L. WILBUR, M. D.,
Lansing, Mich.
U. O. B. WINGATE, M. D.,
Milwaukee, Wis.

SECRETARY AND TREASURER:

CLARK BELL, Esq., City of New York.

The following gentlemen constitute the Executive Committee of the American Congress of Tuberculosis:

Clark Bell, Esq., LL. D., President of the Medico-Legal Society, Secretary of the American Congress of Tuberculosis, Chairman, 39 Broadway, New York City.

Henry B. Baker, M. D., Secretary State Board of Health, Lansing, Michigan.

T. D. Crothers, M. D., Editor of The Journal of Inebriety, Hartford, Connecticut.

Hon. Abram H. Dailey Ex-Surrogate Kings County, N. Y., Ex-President Medico-Legal Society, Brooklyn, N. Y.

Hon. Moritz Ellinger, Corresponding Secretary Medico-Legal Society, Ex-Coroner of New York City, of New York, Secretary.

E. P. LaChapelle, M. D., Secretary Provincial Board of Health for the Province of Quebec, Montreal, Canada.

John C. Shrader, A. M., M. D., of the State Board of Health of Iowa, Member of British Congress of Tuberculosis, of Iowa City, Ia.

EX-OFFICIO :

A. N. Bell, M. D., Honorary President, Brooklyn, N. Y.
Henry D. Holton, M. D., President, Brattleboro, Vt.

The executive officers or executive committee were directed to name Vice-Presidents from each State, Territory, Province or country, at least three from each, and selected as far as practicable from both professions of law and medicine. More than seventy-five of these have been already selected, and when all are filled will be announced.

The Executive Committee authorized and directed the selection of one or more Honorary Vice-Presidents from each State, Province or country, and already a large number of these appointments have been made from the highest public officials in the American States, the Dominion of Canada, and Central and South American countries, embracing the Governors of American States, Lieutenant Governors, in the Provinces of the Dominion of Canada, and others in high official positions in sympathy with its labors.

The full list of officials, members and delegates named by the Governors of our States, and those of foreign countries, will be announced at the Congress. Titles and authors of papers, of which a large number have already announced their names and titles of contributions, will be given in full in the programme of the Congress.

The meeting will be held, as before, in the Hotel Majestic, with whom arrangements have been made for reduced rates. Arrangements will be made with railways for reduced rates for delegates of which details are announced in the Medico-Legal Journal.

The banquet will be given on the evening of the 15th of May, with price per plate at $2.00 each, exclusive of wine.

The Governor General of Canada, the Lieutenant Governors of several of the Canadian Provinces, a large number of Governors of the American States and of Mexico, and eminent men in Central and South America, have accepted the position of Honorary Vice-Presidents, and three vice-presidents from nearly all the United States and Territories have been appointed and accepted.

Every medical society, every academy of medicine in the United States, in the Canadas and in the South and Central American State, and the Bar association and the legal societies are invited to send delegates to this Congress to be held May 14, 15 and 16, at the Hotel Majestic, in the City of New York, and the Governors of all the States, Provinces and countries will be also invited to send delegates, so that the whole of both continents of the Western American Hemisphere may be represented in this work.

Those wishing to enroll can send their names to the Secretary, and the enrolling fee of $3.00, which will entitle them to all Bulletins of the Congress free.

HENRY D. HOLTON, President.
CLARK BELL, Secretary.

MUSEUM OF THE AMERICAN CONGRESS OF TUBERCULOSIS.

The following announcement has been made by the officers of the Congress:—

Shall we have a museum at the May session of the American Congress of Tuberculosis in New York.

The great feature of the London Congress last June was its splendid museum. We have in our country material for such a museum, and one that can quite equal the splendid exhibit that our English cousins presented.

This will depend upon the co-operation which the profession of medicine gives to the efforts of our committee.

The Executive Committee of the Medico-Legal Society has directed the appointment of a committe to organize such a museum, and a large number of the Vice-Presidents of the American Congress of Tuberculosis have strongly favored such action by the American Congress of Tuberculosis.

The Hotel Majestic, where the Congress will be held will provide a suitable room for the display on the floor above the parlors, near the session.

The delegates sent by the latter body to the London Congress speak in the highest terms of the exhibit presented in London.

Dr. H. Edwin Lewis, Editor of the Vermont Medical Monthly, of Burlington, Vermont, has consented to accept the chairmanship of a select committee to collect exhibits for such a movement. Capt. Henry D. Snyder, U. S. Army Delegate, named by the U. S. Government, Dr. Louis LeRoy, of Nashville, Tenn., and Clark Bell, Esq., 39 Broadway, New York, compose the committee.

Those who will do so and aid this committee will please communicate with Dr. H. Edwin Lewis direct, or write Dr. Henry D. Holton, President of the American Congress of Tuberculosis, at Brattleboro, Vermont, or Mr. Clark Bell, Secretary, 39 Broadway, New York city.

All curators of colleges and museums, or of medical schools or societies, and all members of the profession in the United States, the Canadas, or in South or Central American countries who are willing to loan or contribute specimens, drawings or contributions to such a collection for the use of that Congress, to be held at the Hotel Majestic, May 14 to 16, in the city of New York, will please at once communicate directly with Dr. H. Edwin Lewis, Chairman Committee on Museum, at Burlington, Vt., specifying contributions so that the same may be catalogued and the catalogue presented in advance of the session. The catalogue of the museum of the London Congress occupied 200 pages of printed matter, and embraced drawings, maps, skiographs, photographs ,engravings, charts, prints, and contributions besides specimens, and illustrations of microscopic and biological work relating in any way to the subject. The Government of the United States has contributed from the collection of the Army Museum and laboratories and sanitariums are already contributing.

It is hoped that the laboratories of the Boards of Health of the cities and States of the Union and the medical colleges and schools will loan specimens of their work to this collection, and that the microscopists and students of biology, pathology and chemistry will enroll and co-operate in this laudable movement to extend the knowledge of the results attained by scientific endeavor in the great work of combating the spread of this great destroyer of mankind, Tuberculosis.

Very faithfully yours,

CLARK BELL,
Secretary,
39 Broadway.

HENRY D. HOLTON,
President,
Brattleboro, Vt.

H. EDWIN LEWIS, M. D.,
Chairman Museum Committee, Burlington, Vermont.

At a meeting of the Executive Committee of the American Congress of Tuberculosis held October 2, 1901, the following action was taken:

Resolved, That the Executive Officers or the Executive Committee be and are hereby empowered to nominate and appoint Honorary Vice-Presidents of the body, to represent any country, State or Province in their discretion, from eminent representative men who take an interest in the legal prevention of tuberculosis, without requiring any enrolling fee. Approved,

CLARK BELL, Secretary. HENRY D. HOLTON, President.

Under the authority of this Resolution the position of Honorary Vice-President of the Congress was tendered to the Governors of several of the American States, known or believed to be in sympathy with the work of the Congress, and others connected with the United States Government and to eminent men in foreign countries.

Those whose names appear in the Programme and in the preliminary announcement made by the Secretary, accepted the position.

A letter was sent by the President and Secretary to many of the Governors of the States of the American Union and others, inviting their sympathy and co-operation, of which the following is a copy:

New York, March 1, 1902.

Honored Sir.—You were recently asked to lend the great weight of your name, as an Honorary Vice-President, to the coming annual session of this body, and we ask you to consider some aspects of the case which we neglected to call to your attention. We now in addition invite you to make a short address at the opening ceremonies on May 14, held at the Hotel Majestic, at 10 A. M., in this city. This is a campaign against tuberculosis and its spread, on which all thoughtful minds now agree that it must be regarded as a campaign of education.

The masses of the people must be brought to realize the great and terrible ravages this disease is making, on the one hand, and on the other brought to a state where the popular sentiment will sustain Legislatures in the enactment of suitable laws, and Courts in their enforcement; the effect of which may arrest the spread of the disease, and stay so far as lays in human power, its devastating march, by preventive legislation, and under certain conditions restrictive, police regulations, if by so doing we can save human life.

The Governor of Utah, in a recent letter accepting the Honorary Vice-Presidency of this body for his State, made use of the following language:

"State of Utah, Executive Office, Salt Lake City.

February 15, 1902.

"Mr. Clark Bell, Secretary and Treasurer American Congress of Tuberculosis, 39 Broadway, New York.

"Answering yours of the 8th instant, I accept with pleasure the appointment of Honorary Vice-President for Utah of the Congress of Tuberculosis, and will appoint delegates to the session of 1902 within a few days.

"I shall also endeavor to forward you a short letter expressing my sympathy for the cause in which you are engaged.

"Yours Respectfully,

"HEBER M. WELLS, Governor."

Who can estimate the value of such an utterance from the Chief Executive of a State upon the people within its own borders?

Who can decide how far beyond the boundaries of his own State will its influence reach out and extend?

If you are prevented, by the discharge of high public duties, from attending our session on May 14, 15 and 16, next, we trust nothing will prevent you from sending your approbation of our labor, with such words of recognition and sympathy, as would encourage us not alone, but aid us in the work of formulating and concentrating public opinion, in favor of remedial and preventive legislation.

This, it seems to us, would be of the very highest value, and weight in the minds of the masses of the people.

Let us, Sir, ask, that if you are unable to attend our session in person, that you will address to us a letter on the line indicated by the Governor of Utah, so that the people of your own State, and of all States and countries, may feel that you are in sympathy with our efforts, and wish us success.

To the Governors of States who receive this letter, we ask that you name delegates to this Congress early, so that they may have abundant time in which to prepare for the discussion of the question submitted by the Congress, and that a larger delegation be sent from your State than was sent last year. There are a large number of medical men who would esteem such an appointment as a high public honor, of which they would be justly proud. We remain with great respect,

Very faithfully, yours,

HENRY D. HOLTON,
President.

CLARK BELL,
Secretary.

In April, 1902, the Government of the United States, in response to the request of the Secretary, addressed on April 4th, the following letter to the Secretary:

Department of State, Washington.

April 4, 1902.

Clark Bell, Esq., Secretary American Congress of Tuberculosis, 39 Broadway, New York City.

Sir.—I have to acknowledge the receipt of your letters of the 25th and 28th ultimo, in regard to the session of the American Congress of Tuberculosis, which is to be held at the Majestic Hotel in New York City in May next.

In compliance with the request which you make, the Ambassador to Mexico, and the Ministers to the Central and South American States, have been instructed to express to those Governments the pleasure with which that of the United States would learn that they found it convenient to be represented in the Congress. I am Sir,

Your obedient servant,

DAVID J. HILL,
Assistant Secretary."

Department of State, Washington.

April 10, 1902.

Clark Bell, Esq., Secretary and Treasurer American Congress of Tuberculosis, 39 Broadway, New York City.

Sir:—I have to acknowledge the receipt of your letter of the 5th instant and to inform you that in compliance with the request therein made, the British Embassador has been asked to make known to the Governments of Canada and Newfoundland the value which the American Congress of Tuberculosis sets upon representation by those Governments at the forthcoming session of the Congress at New York City in May next, and the hope of this Government that they may find it to their interest to be represented by delegates. I am, Sir,

Your obedient servant,

DAVID J. HILL,
Assistant Secretary.

It became necessary to extend the dates for the session of the Congress from May 14, 15 and 16, in the opinion of the Executive Committee, and an extension was made, and the foreign Governments notified by cable, through the courtesy of the Government of the United States and the Consul Generals resident in the city of New York, to June 2, 3 and 4, 1902.

The additions to the lists of Honorary Vice-Presidents, and to the Vice-Presidents of States and countries changed almost daily.

Appointments to these positions were made daily and constantly. Many of the Governors of States delayed naming delegates until the last moment.

Some Governors did not appoint at all, notably New York, whose Governor was for a long time absent from the State, as was the Lieutenant Governor, and the former did not return until the Congress had adjourned. Only one Governor, Maryland, declined to appoint delegates, although some neglected to do so.

Our thanks are due to the then Surgeon General, Geo. M. Sternberg, for detailing Capt. Henry D. Snyder as a delegate, and placing selections from the Army Museum at our disposal, under the care and charge of this officer, and who served on the Museum Committee.

The officers issued a preliminary announcement before the session showing the officers and Government delegates, and the delegates named by the Governors of States and societies at the date of its issue, omitting the names of delegates thus appointed who appear in the rolls by States for each:

PRELIMINARY ANNOUNCEMENT.

The preliminary announcement made by the President and Secretary of the Congress, to the members, contained a list of the delegates then named by the Governors of eight American States, and letters of sympathy from the Governors of Utah, Iowa, Vermont, Michigan, New Hampshire, Kentucky, West Virginia; the Lieutenant-Governors of the North West Provinces of Canada; the Governor of Vera Cruz, in Mexico, which, full announcement was published in the March number of the Medico-Legal Journal, to which reference is now made.

The additional letters will appear in the Bulletin of the Congress. The delegates named by the remaining Governors of States, and from the various organizations not already published, will fully appear in the Bulletin, exceeding five hundred in number, and which our limited space prevents our giving.

The Programme was not completed correctly on the opening of the Congress, and was in some respects imperfect by reason of unavoidable changes that had to be made at the last moment, and even after the first day of the session.

The Museum was most successful, and a great credit to the Committee having it in charge, of which H. Edwin Lewis, M. D., was chairman, composed besides of Capt. Henry D. Snyder, U. S. A.; Prof. E. F. Clark, of Burlington, Vermont, and Clark Bell, Esq. Dr. Louis LeRoy was named on this committee but did not serve.

The catalogue of the Museum was a very fine work prepared by Dr. H. Edwin Lewis, and is most creditable to him. Its illustrations are of a high order.

The Executive Committee before the session of the Congress named as the committee on censorship and reception of papers:

Clark Bell, Esq., chairman, of New York, editor of the Medico-Legal Journal.

H. Edwin Lewis, M. D., of Burlington, Vermont, editor Vermont Medical Monthly.

Dr. Daniel Lewis, editor Medical Review of Reviews.

Moritz Ellinger, editor Menora Monthly, of New York.

T. D. Crothers, M. D., Hartford, Conn., editor Journal of Inebriety; five editors, and gave them power to reject any paper, or to edit the same in their discretion.

The Executive Committee also, prior to the session, arranged for the publication of the Bulletin of 1902 with the Medico-Legal Journal, on the same basis and terms as those under which the Bulletin of 1901 was published, by which the enrolling fee of members was transferred to the Medico-Legal Journal upon its undertaking to get out and publish the Bulletin and give a copy to each enrolled member without extra charge, on the payment by authors of the same price per page for composition as in the Bulletin of 1901, viz.; $1.00 per page of small pica, or $1.50 small type or tables.

The arrangements of the Hotel Majestic, where the Congress was held, were of the most satisfactory character, and the Banquet as served, in every way gratifying to the committee.

Dr. H. W. Mitchell, who consented to act as chairman of the Reception Committee, was suddenly called out of town the opening day of the Congress, and his place filled by Judge A. H. Dailey, who on the night of the Banquet was ill and unable to be present.

The work of the Congress was of a high character, and its success far beyond the most sanguine expectation of its management.

The Secretary notified his associates before and at the session that he, while not losing his great interest in the work, could not accept a re-election. Nor could he be relied upon to give his personal attention to the details of the labor which has fallen upon him in the past.

CLARK BELL,
Secretary.

June 2, 1902.

AMERICAN CONGRESS ON TUBERCULOSIS.

OFFICERS FOR 1902-3.

HONORARY PRESIDENTS:

A. N. BELL, M. D., Brooklyn, N. Y.
HENRY D. HOLTON, M. D., of Vermont,

PRESIDENT—DANIEL LEWIS, M. D., New York, N. Y.
FIRST VICE-PRESIDENT—J. A. EGAN, M. D., Springfield, Ill.
SECOND VICE-PRESIDENT—FRANK PASCHAL, M. D., San Antonio. Texas.
THIRD VICE-PRESIDENT—E. J. BARRICK, M. D., Toronto, Canada.
FOURTH VICE-PRESIDENT—J. A. WATSON, M. D., Concord, N. H.
FIFTH VICE-PRESIDENT—DR. ROMOLA, Guatemala.

VICE PRESIDENTS-AT-LARGE:

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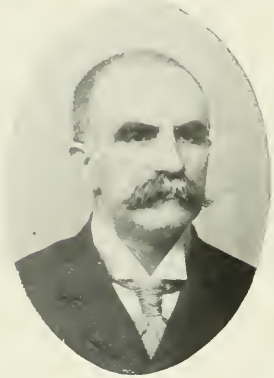
E. T. BARRICK, M. D., Toronto, Ont.
WM. BAYARD, M. D., St. John, N. B.
H. EDWIN LEWIS, M. D., Burlington, Vt.
A. C. BERNAYS, M. D., St. Louis, Mo.
J. MOUNT BLEYER, M. D., New York City.
T. M. MCINTOSH, M. D., Thomasville, Ga.
KARL VON RUCK, M. D., Asheville, N. C.
ALEXANDER MACK M. D., Hawkinsville, Ga.
COL. E. CHANCELLOR, M. D., St. Louis, Mo.
C. K. COLE, M. D., Helena, Mont.
T. D. CROTHERS, M. D., Hartford, Conn.
JUDGE ABRAM H. DAILEY, Brooklyn, N. Y.
HON. MORITZ ELLINGER, New York City.
JUAN A. FORTICH, M. D., Cartagena, Colombia, S. A.
R. F. GRAHAM, M. D., Greely, Colorado.
A. P. GRINNELL, M. D., Burlington, Vt.
CAPT. H. D. SNYDER, M. D., Governor's Island, N. Y.
THOS. BASSETT KEYES, M. D., Chicago, Ill.
FRANK P. NORBURY, M. D., Jacksonville, Ill.
LUIS H. LABAYLE, M, D., Leon. Nicaragua
E. P. LACHAPELLE, M. D., Montreal, Canada.
LOUIS LEROY, M. D., Nashville, Tenn.
DR. EDOUARD LICEAGA, City of Mexico.
DWIGHT S. MOORE, M. D., Jamestown, N. Dak.
WM. H. MURRAY, M. D., Plainfield, N. J.
EX-SEN. HENRY D. WINTON, Hackensack, N. J.
J. A. MCNEVEN, M. D., Gibbonsville, Idaho.
A. E. OSBORNE, M. D., Eldridge, Cal.
J. C. SHRADER, M. D, Iowa City. Iowa.
J. H. TYNDALE, M. D., Lincoln, Neb.
C. F. ULRICH, M .D., Wheeling, W. Va.
C. S. WARD, M. D., Warren, Ohio.
PROF. S. H. WEEKS, M. D., Portland, Maine.
CRESSY L. WILBUR, M. D., Lansing, Mich.
U. O. B. WINGATE, M. D., Milwaukee, Wis.

SECRETARY:
GEORGE BROWN, M. D., Atlanta, Ga.

TREASURER:
P. H. BRYCE, M. D., Toronto, Ontario.



VICE PRESIDENTS OF AMERICAN CONGRESS ON TUBERCULOSIS.

J. B. MORRIS, M. D.,
Lewiston, Idaho.

SENOR JUAN J. ULLOA,
Consul General for Costa Rica,
At the City of New York.

DR. P. W. STEWART,
Seattle, Wash.

DR. J. R. WALL,
Prescott, Arizona.

DR. SAMUEL GACHE,
Buenos Ayres,
South America.

HENRY A. HAIGH, ESQ.,
Detroit, Michigan.

HONORARY VICE-PRESIDENTS.

By virtue of authority conferred upon the Executive Officers the following Honorary Vice-Presidents have been appointed, who have accepted the position :

From the States, Territories and dependencies of the American Union.

Alaska—Hon. John G. Brady, Governor, Sitka.
Arizona—Hon. N. O. Murphy, Governor of the Territory.
Connecticut—Hon. George B. Andrews, ex-Chief Justice Supreme Court, Litchfield.
Georgia—Hon. Governor L. E. Bleckley, ex-Chief Justice, Atlanta.
Hon Allen D. Candler, Governor, Atlanta.
Idaho—Hon. Frank W. Hunt, Governor, Boise City.
Illinois—Hon. Richard Yates, Governor, Springfield.
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D. E. Salmon, Chief of Bureau of Animal Industry, Department of Agriculture, Washington, D. C.
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Wyoming—Hon. Deforest Richards, Governor, Cheyenne.
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HONORARY VICE-PRESIDENTS.

From the Dominion of Canada.

The Earl of Minto, Governor-General of the Dominion of Canada, Ottawa.
Hon. A. G. Blair, Minister of Railways and Canals, Ottawa.
Hon. William S. Fielding, Minister of Finance, Ottawa.
Dr. F. Montizambert, Director of the Public Health, Ottawa, Canada.
W. C. Edwards M. P., President Canadian Association for the Prevention of Tuberculosis, Ottawa.
Hon. J. R. Stratton, Toronto.

From the Provinces of the Dominion of Canada.

British Columbia, Hon. Henry G. Joly de Lotbiniere, Lieut. Governor, Victoria.
Ontario, Hon. Sir Oliver Mowat, C. C, M. G., Lieut. Governor, Toronto.
New Brunswick—Hon. J. Bunting Snowball, Lt Governor, St. John, N. B.
New Foundland—Hon. Sir Cavendish Boyle, Colonial Governor, K. C. M. G., St. Johns.

North West Territories, Hon. A. Forget, Lieut. Governor, Regina.
Nova Scotia, Hon. A. G. Jones, Lieut. Governor, Halifax.
Quebec, Prof. J. G. Adami, McGill University, Montreal.

From Mexico.

Hon. Theodoro A. Dehesa, Governor of Vera Cruz, Jalapa, Mexico.
Dr. Daniel Vergesa Lope, Mexico.

From Central and South America.

Argentine Republic—Dr. Emilio, H Coni, Calle Lavalle 859, Buenos Aires.
Brazil—Hon. J. de Assis, Brazillian Minister, Washington, D. C.
Prof. Dr. Nina Rodergies, Bahai.
Costa Rica—Juan J. Ulloa, Consul General, 66 Beaver St., N. Y. City.
Peru—Dr. Manuel Alonzo Calderon, Peruvian Minister; Dr. E. Campodonico, Espaderos 235, Lima.
Republic of San Domingo—Hon. Juan Isidro Jimines, President, Santo Domingo.
Uruguay—Dr. Louis Alberto Herrera, Charge-de-affairs at Washington, D. C.

VICE-PRESIDENTS.

From the States of the American Union.

Alabama—W. H. Blake, M. D., Sheffield; Dr. R. M. Cunningham Ensley; John C. LeGrande, M. D.
Alaska—Dr. A. Eugene Austin, 17 East 66th Street, New York City; Hon. Governor C. D. Rogers, Juneau; Dr. Park Winter Stewart, Nome City.
Arkansas—Judge J. W. House, Little Rock; Dr. H. C. Dunavant, Little Rock.
Arizona—Dr. John R. Walls, Prescott; John C. Herndon, Esq., Attorney-at-Law, Prescott; Dr. Jones Tempe, Prescott.
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Colorado—Dr. Charles C. Rice, Pueblo.
Connecticut—Dr. C. S. Lindsley, E. Beecher, Hooker, M. D., Prof. W. H. Brewer, all of New Haven; Hon. James P. Bree, State Senator.
Delaware—Dr. W. S. Hancken, Farnhurst.
Florida—J Harris Pierpont, M D., Pensacola; Dr. J. Dewitt Webb; R. D. Murphy, Key West.
Georgia—Hon. T. B. Fetter; Dr. H. McHatton, Macon; Dr. Arthur A. Van Dyke, Atlanta; R. J. Nunn, M. D., Savannah.
Hawaii—W. O. Smith and C. B. Cooper, M. D., of Honolulu; B. D. Bond, Esq , Kohala.
Idaho—Dr. J. B. Morris, Lewiston; Dr. William F. Smith, Mountain Home; Mr. Charles L. Joy, Boise City.
Illinois—Dr. J. B. Walker, Effingham, Ill.; Dr. J. B. Maxwell, Mt. Carmel, Ill.; S. C. Fairbrother, East St. Louis.
Indiana—J. N. Hurty, M. D., Indianapolis; Dr. George T. McCoy, Columbus; Flavius J. Van Vort, Esq., Indianapolis; T. Henry Davis, Richmond.
Iowa—J. J. Gibson, M. D., State Veterinary Surgeon, Denison; Hon. J. M. Emmert, M. D., State Senator, Atlantic; Dr. A. N. Linn, Presdent State Board of Health, Iowa City.
Kentucky—Prof. Frank C. Wilson, M. D., Louisville.
Louisiana—Dr. Felix Fermente, 135 Esplanade Ave., Prof. Dr. J. B. Elliott, Morris Building, Dr. P. G. Archinard, all of New Orleans.
Maine—Dr. A. G. Young, Augusta; Dr. Alonzo Garcelon, Lewiston.
Maryland—Dr. Hampson Jones, Dr. William H. Welch, President Board of Health, Baltimore; William Lee Howard, M. D., Baltimore.

Massachusetts—Dr. Henry O. Marcy, Boston; Dr. J. H. McCullom, South Division Boston City Hospital, of Boston.

Michigan—Hon. Henry A. Heigh, Detroit; John H. Kellogg, M. D., Battle Creek; Clarence A. Lightner, Esq., Detroit.

Minnesota—Dr. H. M. Bracken, Secretary State Board of Health, St. Paul. Dr. H. Longstreet, Taylor, St. Paul.

Missouri—Dr. C. Bark, Dr. Leonidas H. Laidley, both of St. Louis. J. Wood Fassett, M. D., St. Joseph, Mo.

Montana—John C. Clayberg, Esq., Helena; John A. Donovan, M. D., Butte; Donald Campbell, M. D., Butte; Thos. J. Murray, M. D., Butte.

Nebraska—Dr. Wm. O. Bridges, 302 Bee Building, Omaha; Dr. Emmett Giffen, Richards Block, Lincoln; Elmer J. Burkett, Esq., Lincoln.

New Hampshire—Dr. G. P. Conn, Concord; Hon. J. W. Fellows, Manchester; Dr. Irving A. Watson, Concord.

New Jersey—Fred. L. Hoffman, Esq., Newark; Ex-Senator H. D. Winton, Hackensack.

New Mexico—Dr. Francis Crosson, Albuquerque; L. Bradford Prince, Ex-Chief Justice, Santa Fe; Dr. C. G. Duncan, Socano. Surgeon E. N. Carrington, M. H. S., Fort Stanton, New Mexico, delegate from the Marine Hospital Service, U. S. Government.

New York—Clark Bell, Esq., LL. D., New York City; Dr. Ernst J. Lederle, Ph. D., President of the Board of Health of the City of New York; Dr. John Vanderpoel, 36 West 39th Street, New York City.

North Carolina—Dr. J. W. P. Smithwick, La Grange; Dr. J. L. Nicholson, Richland, N. C.; Dr. William L. Dunn, Asheville.

North Dakota—Dr. Dwight Shumway Moore, Jamestown.

Ohio—Charles O. Probst, M. D., Secretary American Public Health Association, Columbus; Hon. Joseph Outhwaite, President Ohio Society for the Prevention of Tuberculosis, Columbus.

Pennsylvania—Dr. Benjamin Lee, State Board of Health, Philadelphia; Dr. J. W. C. O'Neal, Gettysburg; Dr. M. K. Kassabian, Philadelphia.

Rhode Island—Charles V. Chapin, M. D., Providence.
Dr. George F. Keesey, Howard.

South Carolina—George R. Dean, M. D., Spartanburg.

Tennessee—Dr. J. D. Plunkett, Nashville; Prof. Wm. Farr, Nashville.

Texas—M. M. Smith, M. D., Judge Yancy Lewis, both of Austin; Dr. Dr. J. P. Sessions, Rockdale.

Utah—Dr. Martha Hughes Cannon, Salt Lake City; Dr. H. A. Anderson, Salt Lake City; Dr. Geo. W. Baker, Ogden; Col. Willard Young, Salt Lake City.

Vermont—Dr. C. S. Caverly, Rutland; Hon. Fletcher Proctor, Proctor.

Virginia—George Ben Johnson, M. D., Richmond; Dr. W. F. Drewry, Petersburg; Dr. Paulus A. Irving, Richmond.

Washington, D. C.—Dr. Wm. C. Woodward, Health Officer; Surgeon Preston H. Bailhache, U. S. M. H., delegate from the U. S. Government; Surgeon W. C. Braisted, U. S. Navy, delegate from the U. S. Government; Captain Henry D. Snyder, M. D., U. S. Army, delegate from the U. S. Government to the Congress, Washington, D. C.

Washington—Sofus B. Nelson, Veterinarian, Washington Agricultural Experiment Station, Pullman; Hon. I. M. Byrne, Mayor of Spokane; Dr. Parke Winke, Seattle.

West Virginia—Wm. W. Golden, Elkins, Secretary Medical Society of the State of West Virginia; T. L. Barber, M. D., Charleston; I. N. Houston, M. D., Mountsville.

Wisconsin—Hon. Alvin C. Brager, Milwaukee; Dr. G. A. Richie, 788 College Avenue, Appleton; Dr. Moses J. White, Milwaukee

Wyoming—John W. Lacey, Esq., Cheyenne; Dr. R. Harvey Reed, Rock Spring; Dr. G. G. Verbryck, Cambria.

Cuba—Dr. F. F. Falco, Editor *Cultura Latina*, Havana; Hon. Urbano Sanchez Hechevarria, Chief Justice Supreme Court, Santiago de Cuba.

Porto Rico—William Fassett Smith, M. D., Secretary Superior of Board of Health, San Juan; Dr. P. J. Salicrup, Ponce.

From the Canadian Provinces.

British Columbia—C. J. Fagan, M. D., Secretary Provincial Board of Health, Victoria.

New Brunswick—Charles J. Coster, M. D., St. John; Dr. Peter Robinson Inches, St. John.

Ontario—Peter H. Bryce, Secretary State Board of Health, Toronto; Dr. Wm. Oldright, delegate from the Government of Ontario, Toronto.

Prince Edward Island—Dr. Robert McNeill, Charlottetown.

Quebec—Dr. Wyatt Johnson, Dr. E. P. Benoit, Dr. J. B. McConnell, all of Montreal.

From Central and South America.

Argentine Republic—Dr. Samuel Gache, 129 Calle Corrientes, Buenos Aires; Dr. Francisco de Veyga, Calle Lavalle 859, Buenos Aires; Dr. Ernesto Quesada, Buenos Aires.

Bolivia—Signor Ignacio Calderon, La Paz; Hon. R. D. Barber, U. S. Legation, La Paz.

Brazil—Dr. Joas Mattheas, Professor of Hygiene, Bahia; Dr. Pedro E. de Cerquira, Lima, Bahia; Dr. Joaquin Pires Muniz de Carovalho, Advocate, Bahia.

Guatemala—Senor Rafael Montufar, City of Guatemala.

Hayti—Gen. J. A. Bordes, Jeremie; Dr. Borno, Port-au-Prince, Dr. John B. Terres, Port-au-Prince.

Mexico State of Xalapa—Dr. Enrigne Herrera, Xalapa.
Dr. Lewis Espanosa, "
Dr. Sebastian Canovas, "

Peru—Dr. Manuel Barrios, M. D., Bahia; Don Pedro Gallagher, President Public Beneficent Society, Lima.

San Domingo—Alexander Wos y Gil, ex-Charge d'Affairs, Santo Domingo; Dr. Lyon, Santo Domingo; Dr. Henriques y Carvagal, Santo Domingo.

From Central and South American Governments.

Guatemala—Dr. Joaquin Yela, Consul General at New York.
Costa Rica—Juan J. Ulloa, Consul General at New York.
Uruguay—Dr. Louis A. Herrera, Legation of Uruguay, Washington, D C.
Hayti—Louis J. Nicholas, Consul General at New York City.
Mexico—Dr. D. V. Lope, Mexico.

NOTE.—The members of the Council and of the new Executive Committee were not named by the President as we go to press.

There is a vacancy in the Fifth Vice President, as no such person as Senor Romola was a member or delegate to the Congress nor resides at Guatemala.

PROGRAMME.

MONDAY, JUNE 2, 1902, 10 A. M.

OPENING SESSION

In the Chair:

For the Medico-Legal Society,
Clark Bell, Esq., President, of New York.
Supported by A. P. Grinnell, M. D., of Burlington, Vt.

For the American Congress of Tuberculosis,
Henry D. Holton, M. D., President,
of Brattleboro, Vt.
Supported by Dr. C. F. Ulrich, M. D., of Wheeling, W. Va.

In Joint Session

ORDER OF OPENING CEREMONIES.

Addresses on opening of Congress.

1. Address of Welcome.
By A. N. Bell, M. D., Honorary President American Congress of Tuberculosis.

2. Address of Welcome.
By Clark Bell, Esq., LL. D., President Medico-Legal Society.

Introduction of Resolutions to be referred without debate to Committee on Resolutions.

3. Presidential Address, of Henry D. Holton, M. D., President of American Congress of Tuberculosis.

4. Short Addresses, by delegates from Countries, States and Provinces and invited guests.

5. Appointment of a Committee on Nomination of Officers for ensuing year.

6. Appointment of a Committee on Standing Resolutions.

The consideration of the following resolution:

Resolved, That besides the Executive Committee, the following standing committees be created to take the charge of the several subjects and to report at the next annual meeting.

(a) Committee on Preventive Legislation.
(b) Committee on the Pathology and Bacteriology of Tuberculosis
(c) The Veterinary Aspects of Tuberculosis.
(d) Sanitoria.
(e) Climatology.
(f) Light and Electricity.
(g) The Surgery of Tuberculosis.
(h) Resolutions.
(i) Ways and Means.
(k) On Acceptance, Censorship and Revision of Contributions for Publication, and on Publication.
(l) On the Press.

If time permits, the open letter of Prof. Dr. Moritz Benedikt, contributed to the Congress, will be presented at this session and the English translation read by Hon. Moritz Ellinger, Corresponding Secretary of the Medico- Legal Society, the translator of the paper.

Prof. Dr. Herman Kornfeld, Privy Councillor, of Gleiwitz, Silesia.

Prof. Dr. Nils Finsen, of Copenhagen, Denmark, "Lupus Vulgaris."

Delegates and members should hand in their certificates to Secretary on or before the second day.

Members and delegates who desire to take part in the discussion of papers will please leave their names and addresses with the Secretary.

MONDAY, JUNE 2, 1902.—2 P. M.

FIRST DAY—AFTERNOON SESSION.

In the Chair:

For the American Congress of Tuberculosis, Dr. Henry D. Holton, President, supported by Dr. Daniel D. Lewis, of New York, Vice-President.

For the Medico-Legal Society, Clark Bell, Esq., of New York, President Medico-Legal Society, supported by T. D. Crothers, M. D., of Connecticut.

This session will be devoted to the consideration of the First Symposium, under the charge of a committee, of which Dr. Daniel Lewis, head of the Health Department of the State of New York, of New York city, is chairman, and Clark Bell, Esq., LL D., of New York city, the Secretary of this Congress and the President of the Medico-Legal Society, is secretary.

FIRST SYMPOSIUM.

1. PREVENTIVE LEGISLATION, EMBRACING THE SOCIAL, MUNICIPAL AND STATE ASPECTS OF TUBERCULOSIS. (What aid should be expected from the State in the cure and prevention of Tuberculosis, and how shall this be secured?)

The discussion will be opened by Dr. Daniel Lewis, chairman, who will make an address and preside over the discussion.

The following resolution will be offered by Dr. E. J. Barrick, of Toronto, one of the Vice Presidents of the Congress.

"That it is the duty of every Government, Municipality and individual citizen to adopt organized methods for lessening the spread of a disease which is causing directly or indirectly probably one-fifth of the total deaths in almost every country in the world."

Dr. Barrick will make an address.

The motion will be seconded by Dr. Peter H. Bryce, Secretary of the Provincial Board of Health of Ontario, and one of the Vice Presidents of the Congress from that Province, who will make an address.

Mr. Clark Bell, President of the Medico-Legal Society of New York, will speak on the subject of Preventive Legislation, and for the purpose of securing an expression of the views of jurists upon the legal propositions involved, will ask leave to submit as proper subjects of inquiry, to be considered with the Resolutions the following questions:

1. "Has the State the right to pass and enforce laws to arrest and prevent the spread of Tuberculosis?"

2. "Should we favor preventive legislation respecting Tuberculosis; and the education of the professions of law and medicine as well as the masses of the people, in all civilized countries, so as to secure the enforcement of laws enacted for such ends."

The following papers will be read as a part of the work of the committee in the consideration of the whole subject matter and will be discussed, altogether, by the speakers who take part in the discussion:

Paper by Charles O. Probst, M. D., Secretary of the State Board of Health of Ohio, and Vice-President of the Congress from the State of Ohio, entitled "State Aid in the Cure Operation of Tuberculosis."

By Wm. Lee Howard, M. D., of Baltimore, Md., one of the Vice-Presidents of the Congress, entitled "Preventive Legislation."

By Henry T. Davis, M. D., of Richmond, Ind., of the Board of Health of Indiana, "Preventive Legislation."

By Charles Wood Fassett, M. D., of St. Joseph, Mo., one of the Vice-Presidents of the Congress from that State, "What may be accomplished by State Legislation."

"Tuberculosis and the Government; Municipal, State and National," by C. C. Carroll, M. D., of New York.

Discussion of the resolutions, the submitted questions and the several papers by the following speakers and others:

Hon. Abraham H. Dailey, ex-President Medico-Legal Society, of New York, and Vice-President of the Congress.

Hon. Moritz Ellinger, ex-Coroner of New York City and Corresponding Secretary Medico-Legal Society.

Ex-Senator Henry D. Winton, Vice-President of the Congress and delegate from New Jersey.

Dr. Ernest J. Lederle, President Health Department of New York city.

Hon. Joseph Outhwaite, President Ohio Society for the Prevention of Tuberculosis, and Vice-President of the Congress.

Dr. C. S. Lindsley, Secretary State Board of Health of Connecticut, New Haven, Conn., and Vice-President of the Congress.

Prof. W. H. Brewer, of New Haven, Conn., Vice-President of the Congress.

Dr. James A. Egan, Secretary State Board of Health, of Springfield, Ohio., and Vice-President of the Congress.

Hon. Henry A. Heigh, Esq., of Detroit, Mich., Vice-President of the Congress.

Dr. H. M. Bracken, of St. Paul, Minn., Secretary State Board of Health of Michigan, and Vice-President of the Congress.

Hon. John C. Clayburg, Esq., of Helena, Montana, and Vice-President of the Congress from Montana.

Hon. J. M. Emmert, M. D., State Senator, of Atlantic, Iowa.

Dr. Irving A. Watson, of Concord, N. H., Secretary State Board of Health, and Vice-President of the Congress from New Hampshire.

Dr. Benj. Lee, of Phila., Secretary State Board of Health of Pennsylvania, and Vice-President of the Congress from that State.

Prof. Wm. Farr, of Nashville, Tenn., and Vice-President of the Congress from Tennessee.

Dr. Frank Paschal, of San Antonio, Texas, and Vice-President of the Congress from that State.

Colonel Williard Young, of Salt Lake City, Utah.

Dr. S. H. Allen, State Board of Health, Provost, Utah.

Dr. John S. Robinson, of Chicago, Ill., Vice-President of the Congress and President of the Illinois Society for the Prevention of Tuberculosis.

Dr. J. H. Tyndale, of Lincoln, Neb., Vice-President of the Congress

Dr. Henry D. Fontaine, of Concord, N. H., and delegate named by the Governor of that State.

Gen. R. Harvey Reed, M. D., of Rock Springs, Wyoming, Vice-President of the Congress from that State.

Dr. Wm. F. Drewry, of Petersburgh, Va., Vice-President of the Congress from that State.

Dr. Chas. S. Caverly, Rutland, Vt., State Board of Health, and Vice-President from that State.
President from that State.

Dr. A. P. Grinnell, Burlington, Vt., Vice-President Medico-Legal Society and Vice-President of the Congress.

Dr. C. F. Ulrich, of Wheeling, W. Va., Vice-President of the Congress.

Hon. Jacob F. Miller, of New York, ex-President Medico-Legal Society.
Ex-Judge A. J. Dittenhoefer, of New York city.
Judge Jas. E. Tighe, of Brooklyn.
Dr. I. N. Love, of New York.
Frank Harvey Field, Esq., of Brooklyn, N. Y.
J. A. Abarbanell, Esq., of New York city.
H. Gerald Chapin, Esq., of New York city.
Judge Wm. H. Francis, of Newark, N. J.
Stiles Judson, Jr., Esq., of Bridgeport, Conn.
Dr. J. C. Maguire, of New York City.
Hon. Rastus S. Ransom, of New York city.
Charles Strauss, Esq., of New York city.
Benno Lowey, Esq., of New York city.
Samuel Bell Thomas, Esq., of New York city.
Dr. Alexander Wilder, of New Jersey.
Dr. P. M. Wise, of New York city.
And others.

The Standing Committees on Nominations and Resolutions for the session, and on the Symposiums, on Reception and Entertainment, and on the Dinner will be presented by the Secretary of the Congress, as submitted by the executive officers for the present session of the Congress.

Members and delegates will sign the Roll of those attending the Congress, giving P. O. address and city address, and procure their badges of the Secretary of the Committee on Badges.

TUESDAY, JUNE 3, 1902, 10 A. M.

SECOND DAY, MORNING SESSION.

In the Chair:

For the American Congress of Tuberculosis, the President, Dr. Henry D. Holton, supported by Charles O. Probst, M. D., of Columbus, Ohio, Secretary of State Board of Health of Ohio.

For the Medico-Legal Society, the President, Clark Bell, Esq., supported by Judge James E. Tighe, of Brooklyn.

ORDER: The consideration of the Second Symposium.

TUBERCULOSIS IN ITS PATHOLOGICAL AND BACTERILOGICAL ASPECTS.

In charge of a committee, Prof. Dr. J. J. Kinyoun, of Pennsylvania, Chairman; Dr. H. Edwin Lewis, of Burlington, Vermont, Secretary.

The Committee submit for the consideration of the Congress:

1. The Relation of Allied Forms of Micro-Organisms to the Tubercle Bacillius.
2. Mixed Infections in Tuberculosis.
3. Variations in the Morbid Anatomy, Histology and Clinical Expression of Tubercular Processes.

Dr. J. J. Kinyoun, Chairman, will make the opening address.

Dr. H. Edwin Lewis, Secretary of the Committee on Second Symposium, will read a paper.

"The Importance of Individual Predisposition in the Development of Tuberculosis, With Some Remarks on the Relation of Metabolism to Human Susceptibility."

The subjects presented will be discussed by the leading pathologists of the country. Discussion limited to eight minutes each.

The ablest pathologists and bacteriologists in the United States have been invited to discuss this branch, and asked in case of their inability to be present, to present their views in writing, to go into the Bulletin of the transactions.

Dr. Wm. S. Macgill, of the Carnegie Laboratory of New York city, the pathologist of the Medico-Legal Society of New York, will open the discussion.

"Prof. Koch Reviewed," by C. C. Carroll, M. D., of New York.

The following papers will be read and discussed if time permits:

TITLES OF PAPERS.

The following titles of papers have been furnished to the Secretary. Authors are requested to forward the same for the examination of a committee who have to pass upon their acceptability.

Prof. Dr. Moritz Benedikt of Vienna, "An Open Letter on Tuberculosis."

"Alcolholism as a Cause of Tuberculosis," by T. D. Crothers, M. D., of Hartford, Conn.

"State and Municipal Responsibility in the Care of Tubercular Patients," by J. R. Kippax, M. D., of Chicago.

"On Tuberculosis in Relation to the Live Stock Industry," by Prof. J. G. Adami, of McGill University.

"The Medical and Surgical Aspects of Tuberculosis," by S. H. Allen, Provo, Utah.

Dr. George Brown, Atlanta, Ga., "The British Congress of Tuberculosis, Who Composed It and an Epitome of Its Transactions."

J. W. P. Smithwick, M. D., La Grange, N. C,. "Tuberculosis Among the Negro Race Before and Since Emancipation."

'Some Suggestions by a Lawyer to the Medical Profession," by Ex-Judge Abram H. Dailey.

"The Prevention of Spitting in Public Conveyances," by Geo. A. Soper, Ph. D., Sanitary Expert, 29 Brooklyn, N. Y.

"Genito-Urinary Tuberculosis," by N. E. Aronstam, Detroit, Mich.

"Evolution in Medicine," by C. C. Carroll, M. D., of New York.

"The Obligation of the State in Reference to Hereditary and Acquired Tuberculosis of Children," by Dr. M. Markiewicz, New York.

JUNE 3rd., 1902. 2 P. M.

SECOND DAY—AFTERNOON SESSION.

In the Chair:

For the American Congress of Tuberculosis,
The President, Henry D. Holton, supported by Dr. Benj. Lee, Secretary of the State Board of Health of Pennsylvania.

For the Medico-Legal Society,
Dr. Geo. Brown, of Atlanta, Ga., Vice-President from Georgia, supported by Dr. Wm. Oldright, of Toronto, Canada, Delegate from the Government of Ontario.

The session will be devoted to the consideration of the Third Symposium:

3. THE MEDICAL AND SURGICAL ASPECTS OF TUBERCULOSIS. (EMBRACING SANITORIA AND CLIMATIC CONDITIONS, LIGHT AND ELECTRICITY.)

This symposium was in charge of a committee of which Dr. Karl von Ruck, of Asheville, N. C., was Chairman. The postponement of the date of the session made it impossible to postpone his sailing for Europe on the 22nd. of May.

The Symposium has been subdivided and classified as follows:

1. The Medical and Surgical Aspects of Tuberculosis, under the Chairmanship of Dr. Augustus C. Bernays, of St. Louis, Mo., who will open the discussion of this branch of the subject.

Paper by Dr. Augustus C. Bernays, of St. Louis, Mo., "Tuberculosis and Its Relation to Other Infections."

Paper by Dr. W. W. Johnson, of Hartford, Conn., "The Progress of Lung Surgery."

"Tuberculosis in the Army," by Capt. Henry D. Snyder, M. D., U. S. A.

Discussion limited to five minutes to each speaker.

MEDICAL ASPECTS.

Discussion opened by Dr. Peter H. Bryce, of Toronto, Secretary Provincial Board of Health, supported by Dr. Charles J. Fagan, Delegate from British Columbia, Victoria.

Papers by:

Dr. Charles F. Ulrich, of Wheeling, W. Va., "The Hygienic Treatment of Tuberculosis."

Dr. J. Rudis-Jicinsky, Cedar Rapids, Iowa, "The Importance of the Early Diagnosis of Tuberculosis."

"The New Life Saving Service, or the Prevention of Consumption," by Matthew M. Smith, M. D., Austin, Texas.

"The Early Diagnosis of Pulmonary Tuberculosis," by Dr. J. W. Bell, Minneapolis, Minn.

"The Anti-Pyretic Treatment in the Cure of Tuberculosis," by Dr. Helen Densmore, Long Beach, Cal.

"A Consideration of the Various Biological Products Advanced for the Cure of Tuberculosis," by Dr. Louis Le Roy.

"Hot Air in the Prevention of Tuberculosis," by Dr. Charles H. Shepard, of Brooklyn.

"The Relation of Influenza to the Development and Cause of Pulmonary Tuberculosis," by Dr. Karl von Ruck, of Asheville, N. C.

"Tuberculosis Due to Vitiated Atmosphere of School and Work Rooms," by W. Oldright, Toronto.

"Some Experiments on the Excretions of Calcimine in Tuberculosis," by Dr. Alfred C. Gralton, Pepper Laboratory, Phila, Pa.

"Practical Observations on Pulmonary Tuberculosis," by H. W. Mitchell, M. D., of New York.

"The Etiology of the Inductive and the Incipient Stages, and Specific Treatment Based Thereon," by Thos. McNeil McLean, M. D., of Elizabeth, N. J.

"The Contagiousness of Tuberculosis, as Illustrated in one Family," by Dr. H. C. Fairbrother, Prof. Railway and Military Surgery, St. Louis, Mo.

Discussion limited to five minutes and will be strictly enforced.

SANITORIA AND CLIMATIC CONDITIONS.

This branch has been placed in charge of Dr. Benjamin Lee, Secretary State Board of Health, of Philadelphia, Pa., supported by Dr. E. T. Barrick, of Toronto, Vice-President of the Congress, who will open the discussion. The following papers are announced:

Martha Hughes Cannon, M. D., Salt Lake City, "Some Inter-Mountain Sections Favorable to the Cure of Tuberculosis."

"Tuberculosis and Environment," by Dr. H. McHatton, Macon, Ga.

"Climatic and Sanatorium Treatment of Tuberculosis," by Dr. Francis Crosson, Albuquerque, New Mexico.

"Xalapa as a Health Resort," by Hon. Theo. A. Dehea, Governor of Vera Cruz, Mexico.

"The Climate of Arizona in Relation to Tuberculosis," by Dr. John R. Walls, Prescott, Ariz.

"The Highlands of Jamaica as Appropriate Localities for Sanitoria for Consumptives," by Benjamin Lee, M. D., Philadelphia, Pa.

"Climate, Race and Tuberculosis," by P. C. Remondino, M. D., San Diego, California.

"On the Death Rate from Consumption in Some of the Health Resorts in this Country," by Dr. F. Paschal, San Antonio, Texas.

"Statistics of the Mortality of Tuberculosis in the City of Xalapa (Mexico) from 1892 to 1901, Inclusive."

"The Increasing Prevalence of Tuberculosis Among the Negro Race below the Mason and Dixon Line," by Dr. B. Hughes, of Keysville, Md.

"La Tuberculose dans la Republique Argentine," by Dr. Samuel Gache, Vice President of the Congress for Buenos Ayres.

"The Climate of the Argentine Republic in Relation to Tuberculosis," by Dr. Francisco de Veyga, Vice President from Argentine Republic, Buenos Ayres.

Discussion strictly limited to five minutes to each speaker.

LIGHT AND ELECTRICITY.

The discussion of this branch will be in charge of Dr. J. Mount Bleyer, Vice-President of the Congress, supported by Dr. Louis LeRoy, of Nashville, Tenn., Vice-President of the Congress.

The following papers will be read:

"The Influence of Electric Ozonations Upon Tuberculosis," by G. Lenox Curtis, M. ., New York.

"Early Diagnosis of Pulmonary Tuberculosis by Roentgen X-Ray Method," by Dr. Mihran K. Kassabian, Philadelphia, Pa.

"The Treatment of Tuberculosis by Nebulization," by Ira A. Donovan, M. D., Butte, Montana.

"Latest Scientific Research as to the Etiology and Treatment of Tuberculosis," by Dr. L. H. Warner, New York City.

"Demonstration by Electrical Vivisection of the Direct Sterilization of the Blood in Tuberculosis by Means of Electricity," with remarks upon the recent researches of Prof. Low's recent discoveries, by Dr. J. Mount Bleyer, of New York.

"La Bacillinine; dans le Treatment de le Tuberculose," by Dr. Wm. Livet, of Paris, France.

SECOND DAY: EVENING SESSION.

The annual banquet will be given at the Hotel Majestic at 7 P. M. Ladies will attend. Those who have not obtained seats will apply to the Secretary.

N. B.—If titles of papers are sent after the session, and the papers sents before August 15th, proximo, they will be included in the Bulletin, if accepted and approved by the Committee on Acceptance of Papers.

All delegates named by Governors of States, state or local societies or by foreign countries are eligible to be enrolled.

Others on approval of the Executive Committee only.

Badges can be obtained of the Committee on Badges, or from the Secretary on application. Price 50 cents each.

Vacancies in offices or committees will be filled by the executive officers, or the Executive Committee, until further order of the Congress.

WEDNESDAY, JUNE 4, 1902, 10 A. M.

THIRD DAY—MORNING SESSION.

In the Chair:

For the American Congress of Tuberculosis, Dr. E. P. Barrick, of Ontario, supported by Dr. C. A. Lindsley, of New Haven, Conn., Secretary State Board of Health.

For the Medico-Legal Society, Dr. A. P. Grinnell, of Vermont, supported by Dr. T. D. Crothers, of Connecticut.

ORDER:

The Fourth Symposium will be the order of the morning session.

"The Veterinary Aspects of Tuberculosis," in charge of a committee, of which D. E. Salmon, head of the Bureau of Animal Industry, at Washington, is chairman, who will make an address.

Prof. J. G. Adami, of McGill University, Montreal, will open the discussion by a paper, entitled, "On Tuberculosis—In Relation to the Livestock Industry." This symposium will be discussed by representative men, who have been invited to do so, the oral discussion limited to five minutes each, and papers contributed to this symposium will be in order.

The papers contributed by European or other authors which have not been read will be read at this session, or read by title.

Unfinished business in preceding orders will be taken up and progressed.

WEDNESDAY, JUNE 4TH, 1902, 2 P. M.

THIRD DAY—AFTERNOON SESSION.

In the Chair:

For the American Congress of Tuberculosis, the President, Dr. Henry D. Holton, of Vermont, supported by Prof. W. H. Brewer, of Connecticut.

The Medico-Legal Society, The President, Clark Bell, Esq., supported by Peter H. Bryce, of Ontario.

MISCELLANEOUS.

1. Report of Nominating Committee of officers for ensuing year.
2. Election of officers for the ensuing year.
3. Reports of committees.
4. Miscellaneous, papers to be read: Dr. Wm. Levit, Paris, France. Translated by Dr. F. J. Labadie, M. D., of New York, and others if not previously reached.
5. Consideration of resolutions, reports of committees and unfinished business.

Contributions to the museum should be sent to the Hotel Majestic care of Dr. H. Edwin Lewis, M. D., chairman, and notice sent him by mail at Burlington, Vt.

The museum is on the floor above that on which the session of the Congress and the headquarters of the officres of the Congress will be in the museum.

The Committee on the Museum is, H. Edwin Lewis, M. D., chairman; Capt. Henry D. Snyder, U. S. A.; Louis Le Roy, M. D., of Nashville, Tenn.; Clark Bell, Esq., Secretary of the Congress.

PAPERS CONTRIBUTED.

Papers have been contributed by the following European colleagues:

Prof. Dr. Moritz Benedikt, of Vienna, honorary member Medico-Legal Society.

Prof. Dr. Herman Kornfeld, of Gleiwitz, Silesia, honorary member of the Medico-Legal Society.

Prof. Dr. Nils S. Finsen, of Copenhagen, Denmark.

Dr. Wm. Livet, of Paris, France.

THE COMMITTEE ON BADGES.

Dr. J. Mount Bleyer, Chairman; Dr. R. W. Shufeldt, H. Edwin Lewis and the Secretary.

AMERICAN CONGRESS OF TUBERCULOSIS.

Committee on Reception and Entertainment of 100 Members of the Medico-Legal Society.

Judge Abram H. Dailey, Chairman, ex-President Medico-Legal Society.

Moritz Ellinger, Esq., Secretary, Corresponding Secretary Medico-Legal Society.

Dr. Daniel H. Arthur.
Clark B. Augustine, Esq.
Jacob R. Abarbannell, Esq.
Dr. C. M. Amende.
Albert Bach, Esq.
Clark Bell, Esq.
R. N. Bruno, Esq.
Dr. A. P. Grinnell.
Dr. J. Mount Bleyer.
Dr. John Lee Brooks.
Dr. Arthur C. Brush.
Maurice Blumenthal, Esq.
Elon M. Carpenter, M. D.
George Chaffee, M. D.
Judge Lewis J. Conlan.
Dr. D. W. Cowan.
Judge Fred. E. Crane.
H. Gerald Chapin, Esq.
T. D. Crothers, M. D.
C. C. Carroll, M. D.
Percy R. Chittenden, Esq.
Dr. E. Webster Davis.
Dr. G. Bettini di Moise.
Judge A. J. Dittenhoefer, Esq.
Irving M. Dittenhoefer, Esq.
Prof. R. A. Doremus, M. D.
Prof. Chas. A. Doremus, M. D
F. B. Downs, M. D.
Ovide Dupre, Esq.
Miles M. Dawson, Esq.
Dr. Cyrus Edson.
Dr. Chas. S. Fischer.
Dr. N. O. Fitch.
Dr. Walter M. Fleming.
Judge Wm. H. Francis.
Thos. G. Frost, Esq.
John A. Foley, Esq.
Frank Harvey Field, Esq.
Dr. F. Medina Ferrer.
Dr. John Wilson Gibbs.
Dr. Gabriel Grant.
Robert Gignoux, Esq.
Dr. Wm. Honlen.
Dr. J. Leffingwell Hatch.
Stiles Judson, Jr., Esq.
A. A. Jakoby, Esq.
Benno Loewy, Esq.
Dr. Ernest J. Lederlé.
Dr. John Lochner.
Mary E. Lease.
Michael J. Langan, Esq.
Dr. I. N. Love.
Dr. J. C. Maguire.
Dr. Robert M. Milbank.
Hubbard W. Mitchell, M. D.
Hon. J. Murray Mitchell.
Hon. Frank Moss.
Dr. M. Markiewicz.
Hon. Jacob F. Miller.
Michael J. Mulqueen, Esq.
Dr. Leslie J. Meacham.
Dr. Thos. G. Mundorff.
Dr. Wm. S. Magill.
Dr. John J. Neville.
Delancy F. Nichols, Esq.
Dr. Wm. B. Noyes.
Dr. Philip L. O'Hanlan.
Dr. Gustave Pfingsten.
Wm. Popham Platt, Esq.
Dr. Geo. L. Porter.
Florence Dangerfield Potter.
R. L. Pritchard, Esq., M. D.
Isaac N. Quimby, Esq.
Judge R. S. Ransom.
Rev. Adolph Roeder.
F. D. Ruland, M. D.
R. W. Shufeldt, M. D.
Chas. Strauss, Esq.
Dr. Carleton Simon.
Dr. Fred W. Seward.
Dr. Selden H. Talcott.
Judge A. M. Tallmage.
Caroline J. Taylor.
M. Louise Thomas.
John R. Tresider, Esq.
Judge James E. Tighe.
W. C. Trull, Esq.
Dr. C. P. Tucker.
Dr. Correado M. Tranchida.
Dr. E. E. Tull.
Samuel Bell Thomas, Esq.
Dr. John F. Valentine.
W. S. Watson, M. D.
Jerry A. Wernberg, Esq.
Dr. A. T. Weston.
Dr. Alexander Wilder.
Henry Wollman, Esq.
Dr. P. M. Wise.

The foregoing is the Committee of Reception and Entertainment of one hundred members of the Medico-Legal Society, selected from Greater New York and its immediate vicinity. It has been decided that the attractions of the city, and the shortness of the session, preclude any better form of entertainment than the banquet, and to have no night sessions, (except the evening of the Banquet), if possible, so as to give the evenings to the delegates:

Delegates desiring to attend the Saratoga medical meetings will notify the secretary and leave their certificates and the fifty cents fee required by the railway for the extension of time to return to June 17th.

The representative of the railway will be at the Congress on the second day, June 3, and all tickets and certificates must be in the hands of the secretary on that day, to get his signature for the return tickets.

The roll of members and delegates will be kept in the museum in charge of the secretary or his assistants, and members should enroll and give their home and their temporary address on arrival. Badges can be obtained at the same time and place.

DINNER COMMITTEE.

H. Edwin Lewis, M. D., of Vermont, Chairman.

For the Medico-Legal Society.

Dr. A. P. Grinnell, Vermont.
Judge Abr. H. Dailey, Brooklyn, N. Y.
Dr. G. Bettinj de Moise, New York City.
Dr. T. D. Crothers, Connecticut.
Dr. C. C. Carroll, New York City.
J. R. Abarbanell, Esq., New York City.
Moritz Ellinger, Esq., New York City.
Dr. J. Mount Bleyer, New York City.
Sam'l Bell Thomas, Esq., New York City.
Dr. Fred W. Seward, Goshen, N. Y.
Dr. C. F. Ulrich, West Va.
Dr. R. Harvey Reid, Wyoming.

For American Congress of Tuberculosis.

Dr. Geo. Brown, Atlanta, Ga.
Dr. E. T. Barrick, Toronto, Ont.
Dr. F. Paschal, San Antonio, Tex.
Dr. C. S. Lindsley, Connecticut.
Dr. P. H. Bryce, Ontario.
Dr. Daniel Lewis, New York City.
Dr. Benj. Lee, Philadelphia, Pa.
Dr. A. C. Bernays, St. Louis, Mo.
Col. Willard Young, Salt Lake City.
Dr. C. O. Probst, Ohio.
Dr. J. H. Tyndale, Nebraska.
Dr. Louis Le Roy, Tennessee.
Dr. A. J. Adami, Montreal, Canada.
Dr. D. E. Salmon, Washington, D. C.
Col. Willard Young, Utah.

European Vice Presidents.

By reason of the contributions made and forwarded by eminent men from Europe, the following were elected Honorary Vice Presidents of the Congress:

Austria—Prof. Dr. Moritz Benedikt, of Vienna.
Denmark—Prof. Dr. Niles R. Finsen, of Copenhagen.
Silesia—Prof. Dr. Herman Kornfeldt, of Gleiwitz.

Dr. Wm. Livet, of Paris, France, was elected Vice President from France; he having enrolled as a member of the Congress and contributed a valuable paper.

Hon. Theodore Dehesa,
Governor,
Vera Cruez.

Hon. A. E. Forget,
Lieutenant Governor,
N. W. Province of Canada.

Hon. Henry G. Joly de Lotbiniere,
Lieut. Governor Victoria, B. C.

Prof. Dr. Coni,
Buenos Ayres, S. A.

HONORARY VICE PRESIDENTS OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

EDITORIAL.

THE AMERICAN CONGRESS ON TUBERCULOSIS.

The success of this Congress held on June 2, 3 and 4, 1902, at the Hotel Majestic in this city, was far beyond the most sanguine hopes and expectations of its officers.

It will occupy so considerable space in our columns that we must avoid anything like an extended notice of its work. The Programme will be given in this issue, and the historical statement of the work which resulted in its arrangement and execution.

Last year a committee on organization was named and a few changes were made, which were adopted unanimously with the full approval of the officers at the third session of 1902.

These were believed would add to the usefulness of the Congress.

The important ones was to add to the Honorary Vice-Presidents, the Vice-Presidents at large, and the Vice-Presidents from States, five additional Vice-Presidents numbered from first to fifth, and five additional members of a Council, who were to be selected and named by the President, and the President was also charged with the selection of the Executive Committee for the fourth Congress.

Standing Committees were also provided for to report on the next meeting on the following subjects:

(a) Committee on Preventive Legislation.

(b) Committee on the Pathology and Bacteriology of Tuberculosis.

(c) The Veterinary Aspects of Tuberculosis.

(d) Sanitoria.

(e) Climatology.

(f) Light and Electricity.

(g) The Surgery of Tuberculosis.

(h) Resolutions.

(i) Ways and Means.

(k) On Acceptance, Censorship and Revision of Contributions for Publication, and on Publication.

(l) On the Press.

None of the members of the Council, the new Executive Committee, nor the Standing Committees were named, or selected by the President-elect, as we go to press.

The Congress re-elected the Honorary Vice-Presidents and the Vice-Presidents at large and the Vice-Presidents from states, provinces and countries, as modified by the report of the Executive officers, on consultation with the delegates so elected for the ensuing year, a full list will appear in this issue.

The Secretary peremptorily declined a re-election for personal reasons, and while announcing his great personal interest in the success of the Congress and willingness to aid it in any advisory way, refused to be actively connected with the details of the work which had been assumed by him in the past.

He felt that the movement had been successful in all ways, and that others must now take the laboring oar in the detailed work of the body, and so announced to all his associates.

The papers submitted by Prof. Dr. Benedikt, Dr. Finsen, Dr. Kornfeld, translations of which appear in this issue, and the admirable papers and discussion of the Symposiums will when read, as we hope to produce them in our succeeding numbers, with contributed papers, constitute such a valuable addition to the literature of the subject, as to entitle the officers of the Congress to the thanks of the scientific world.

The issues presented are on the highest plane of Forensic Medicine. They demand for their elucidation the highest order of talent in both professions of Law and Medicine.

They interest the statesman and the publicist, as they concern the welfare and the health of the great masses of the people, not alone in our country, but of all countries on which the sun shines.

It is not a mere medical question, as so many might at first blush think, and while the medical profession has a high and an important role to play in its solution, no merely medical body could hope to successfully cope with the obstacles that lay in the path of its success.

The splendid society organized in the Dominion of Canada realized this in the fullest sense, and the Governor-General of that Dominion took the chair at its inception, and the Honorary Presidency at its organization.

The Lieutenant-Governors of the Provinces of Canada were selected as its active Vice-Presidents.

The American Congress on Tuberculosis, with the examples set by England and foreign countries, has enlisted the sympathy, and in many cases the active co-operation of the Government of twenty-four States of the American Union.

Some of their letters sent to be presented at the third annual session will appear in its transactions.

Who can over-estimate the influence of such action by the Executive of a State, upon the minds of the masses of the people where the conflict we are waging resolves itself into a campaign of education, not alone for the masses of the people but of the members of the profession of medicine—as well as of law.

The Medico-Legal Society, which seeing no movement in the profession of medicine in our country, notwithstanding all that had been done in nearly every foreign nation of note, initiated this movement in 1900. It had a hard struggle in its inception; it had a marked success in 1901, and now, with the large number of eminent men who have accepted its hon-

orary Vice-Presidency, and a board of three or more Vice-Presidents in nearly every State and Territory of our Union as a nucleus of such bodies in each of the States as has been organized in Maine and Vermont, and the latest splendid efforts made by Dr. C. O. Probst in the State of Ohio, which we hope to see followed in other States; the American Congress on Tuberculosis must enter upon a career of great usefulness under the officers it has selected.

THE NEW OFFICERS OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

THE PRESIDENT—DR. DANIEL LEWIS,

Of New York, is the foremost man in the medical profession in the City of New York, who could be selected for such an office.

He is at the head of the Health Department of the State of New York, and is in that relation to the proposed legislation as to sanitoria, and to legislation respecting the prevention of the disease, which would make him one of the most useful men in such work as lies before the body.

It disparages no medical man in the State, when we assert that in the whole State of New York, no medical man could be found more admirably fitted for this position. When Dr. Lewis accepted the chairmanship of the Committee on the First Symposium, the editor of this Journal felt that it was a most fortunate selection, and for the reasons above, he steadfastly favored his election to the position.

He is the editor of the Medical Review of Reviews, and is in all ways competent and qualified for the duties of the place.

FIRST VICE-PRESIDENT—JAMES A. EGAN, M. D.,

Of Springfield, Ill., is Secretary of the State Board of Health of Illinois, and one of the foremost and ablest men of his State in this domain. He was Vice-President of his State

in the Congress of 1902, and named his successor and the new Vice-Presidents from Illinois.

He is an active member of the Medico-Legal Society and is one of the most active and energetic workers in his State on all matters relating to sanitation and public health.

He is perfectly qualified and competent to act as President of the body in case of any accident that deprived it of its head.

SECOND VICE-PRESIDENT—DR. FRANK PASCHAL

Is the Health Officer of the City of San Antonio, Tex., and is one of the delegates named by the Governor of that State. He has the strongest possible recommendation from Dr. Daniel, of the Texas Medical Journal, and Dr. M. M. Smith, one of the Vice-Presidents from that State.

He is a member of the Medico-Legal Society, and was an active and influential member of the Congress.

THIRD VICE-PRESIDENT—DR. E. J. BARRICK,

Of Toronto, was an active and enthusiastic worker in the Congress of 1901, and was at the session of 1901 chosen as one of the Vice-Presidents-at-large, a position which he still retains in the Congress of 1903. He has taken an active part in arranging for the discussion of the Symposiums, and it was due to his suggestions that the plan was adopted of having the Symposiums discussed instead of soliciting contributed papers, as better calculated to arouse more interest.

Dr. Barrick opened and conducted the discussion of the First Symposium, was the mover of the resolution announced in the programme for the afternoon of the first day.

He holds a high position in the profession, and is a very energetic worker at Toronto in this domain of sanitary work, and he is an active member of the Medico-Legal Society.

FOURTH VICE-PRESIDENT—DR. J. A. WATSON,

Of Concord, N. H., is, and for years has been Secretary of the State Board of Health of New Hampshire, and one of the

most earnest, effective and energetic men of the whole New England States.

He is an active member of the Medico-Legal Society, and for many years was one of its most valued corresponding members.

FIFTH VICE-PRESIDENT—DR. ROMOLA,

Elected as the Fifth Vice-President, is, from the best information we are able to obtain, an accidental mistake on the part of the Congress, or its Committee on Nominations. We cannot find that any such person exists. . . .

No such person was enrolled nor present. The Government of Guatemala, through the United States Department, explained to the Secretary of the Congress why that Government had decided not to be represented at the Congress.

The Minister to the United States from Guatemala and the Consul General at New York from that Republic say there is no such man in Guatemala.

This office is undoubtedly not filled and a vacancy probably exists in this office.

Dr. George Brown, of Atlanta, Ga., is one of the warmest supporters of the officers of the late Congress. He headed the largest delegation from Georgia that attended the Congress of 1901.

The Georgia delegation for the Congress of 1902 was the largest of any delegation from a State or society.

He was one of the delegates from this Congress in 1901 to the London Congress, and was the originator of the movement which led to the surprise of the retiring Secretary, by the presentation of the loving cup at the Banquet held at the Hotel Majestic on the evening of the second day, and in arranging for the graceful speech of Dr. T. M. McIntosh, of Georgia, on the occasion of the presentation of the loving cup to the retiring secretary.

Dr. Brown is the originator of the idea of holding the Congress of 1904 at St. Louis, on the occasion of the exposition there, and is one of the most ardent supporters and warmest friends of the management of the third Congress, and for some years has been an active member of the Medico-Legal Society.

Dr. P. H. Bryce, Secretary of the Provincial Board of Health of Ontario, is a very strong man in his profession, and devotedly attached to the work this Congress has undertaken.

There is no medical man in the Dominion of Canada more competent and better qualified for an executive officer of such a body as this American Congress on Tuberculosis than Dr. Bryce, in any capacity, from the Presidency down.

He has been for years a corresponding member of the Medico-Legal Society, and is believed by its officers to be in thorough sympathy with the labors of the Congress and its management in the past.

As a whole, the gentlemen elected had the entire confidence of the Executive Officers of both the American Congress on Tuberculosis and of the Executive Officers of the Medico-Legal Society, and met with their cordial approval.

The new board has been criticised as containing too many members connected with Boards of Health, and as entirely ignoring the legal profession or lay members.

The Nominating Committee was singularly selected.

Not one man upon it ever had attended a prior session of the Congress, contributed a penny to its work or been in any way connected with its management.

There was no representative from the Medico-Legal Society nor from the State of New York upon it.

A delegate from the New York State Medical Society was on it, and he from Orleans county, without the slightest knowledge of the work of the body.

The criticism is not well taken. No better class of men can be taken than the representative men of the State Boards of Health.

The President has the power of naming additional members of the Council,which gives him the right to name legal men or laymen. Hon. Abram H. Dailey and Hon. Moritz Ellinger have served in the past on the Executive Committee and done splendid work, contributing papers to the Congress and money.

The full Board will be the President and five Vice-Presidents, a Secretary and Treasurer, with the Councillors to be named by the President.

Dr. H. Edwin Lewis, of Burlington, Vermont, editor of the Vermont Medical Monthly, was chairman of the Committee of the Museum, and he rendered more valuable service to the Secretary in his work, than any other one member.

He prepared the catalogue of the Museum, and by his efforts arranged the exhibits of the museum, which was, with the catalogue, and the loans made from the Army Museum of the United States Government, a great credit to the body, and Dr. Lewis, of Burlington, Vermont, well deserved the vote of thanks which the Congress extended to him at the suggestion and on motion of the Secretary.

Dr. A. N. Bell, editor of the Sanitarian, ex-President, and one of the Honorary Presidents, has acted on the Executive Committee and done most valuable work on it.

We ask the members to withhold criticism until the full Board of Officers, the Council and the new Executive Committee is completed, and it is both natural and laudable that th new President should take abundant time for this very important duty.

MEDICAL JURISPRUDENCE.

Dr. J. M. Emmert, of Atlantic, Iowa, was selected as the orator at the annual meeting of the American Medical Association, held at Saratoga Springs, June 10 to 13, 1902, and his theme was "State Medicine; Past, Present and Future."

Dr. Emmert is an eloquent man, and has had recognition in his State as such; having been elected to the Senate of Iowa. He took an active part in the floor of the American Congress of Tuberculosis last year, and was elected one of the Vice-Presidents at large, and he was selected to the same position at the third session.

We have not space for the whole of his admirable paper, but we take pleasure in producing some extracts which will we think, interest our readers. Dr. Emmert says:

THE FOUNDERS OF MEDICAL JURISPRUDENCE.

State medicine in the seventeenth century occupied considerable attention of the physicians at that time. Many contributed works on this subject; others devoted special time and study to anatomy. In the early part of the century the Pope's physician, Paolo Zacchias, wrote an independent work, renowned not only for its medical information, but especially for the legal knowledge it contained. Zacchias, I believe, is looked upon as the founder of legal medicine. Later, N. Blegny, Gendrie d'Angers, and others, in France, wrote on state medicine.

But to the Germans, during the seventeenth century, are we indebted for active cultivation of this department. Ludwig von Hoernigk, in 1638, published a work on the duties of the medical profession as a whole; Paul Ammann and Hieronymus Welsch wrote works on the mortality of wounds; Melchior Sebiz, in 1641, likewise wrote on this subject, and on the signs of virginity; John Friedrich Zittman, Bernard Suerus and John Bohn, the latter the scientific founder of state medicine in Germany, wrote on these subjects. Conrad Berth Behrens, ordinary physician to the

Court of Brunswick, and J. W. Pfeizer wrote on the duties of the forensic physician. The Hollander, Feltmann, expatiated on the examination of corpses, and John Brown on the mortality of wounds.

ACTUAL GROWTH OF LEGAL MEDICINE.

During the seventeenth century numerous ordinances of medical police, or hygienic ordinances, were enacted. This period may be styled the natal era of state police, and the law included ordinances relative to plague, clothing, food, the inspection of provisions, etc.

In the eighteenth century, state medicine was in a high state of cultivation, especially in Germany. Those who are acquainted with the works of Fabricius, Buttner, Ploucquet, Valentin, Ludwig, Tropanneger, Buchholz, Schlegel, Daniel, Platner, Teichmeyer, Alberti, Eschenbach, Metzger, Pyl, Uden, Delius, Baumer, Frank, and others, know to what extent forensic medicine had advanced in that country.

In France, the learned Bellocoque, Prevost, Verdier, and others; in Spain, Del Valle, and in England, Farr—all are standard authors on state medicine.

In the beginning of the nineteenth century, Pater Frank introduced the official distinction of medical police and forensic medicine. He became the champion of hygiene, and was followed by Hebenstreit, von Huszty, von Nassynya, Scherf, and others.

The part of state medicine which deals with practical instruction in sanitary science has, in Europe, been prosecuted in varying degrees in different countries. To such work as that carried on by Parkes, Klein, Creighton, Sanderson, Baxter, Smith, and others, in England; to the investigations of Pasteur, Chauveau, Duclaux, Chamberland, and others in France; and to the bacteriological investigations of Koch, and the chemical studies of Pettenkofer, in Germany, are we

to attribute the present position of practical knowledge of hygiene.

In some countries the instruction of public hygiene is limited, being usually confined to a course of hygiene in some medical school. In others, there are institutes of hygiene on the most extended scale, as for instance, those at Munich, Liepzig and Copenhagen. In Hungary the instruction in state medicine is of an extended character.

[Dr. Emmet, of Atlantic, Iowa, address at American Medical Association, at Saratoga, 1902.]

THE AMERICAN ACADEMY OF MEDICINE.

At the twenty-seenth annual meeting of the American Academy of Medicine held at Saratoga Springs, on June 7th, 1902, the following officers were elected for the ensuing year:

President, Dr. Charles McIntire, Easton, Pa.; Vice-Presidents, Dr. William R. White, Providence, R. I.; Dr, George Dock, Ann Arbor, Mich.; Dr. Rosa Engelmann, Chicago, Ill., and Dr. D. C. Hawley, Burlington, Vt.; Secretary, Dr A. R. Craig, Columbia, Pa.; Treasurer, Dr. Edgar M. Green, Easton, Pa.; Assistant Secretary, Dr. John S. Davis, University of Virginia.

THE NATIONAL CONFEDERATION OF STATE MEDICAL EXAMINING AND LICENSING BOARDS.

At the twelfth annual meeting of this body held at Saratoga Springs on June 9, 1902, the following officers were re-elected as follows:

President, Dr. N. R. Coleman, Columbus, Ohio; Vice-Presidents, Dr. Henry Beates, Jr., Philadelphia, Pa.; Dr. James A. Egan, Springfield, Ill.; Secretary-Treasurer, Dr. Walter A. Suiter, Herkimer, N. Y.; Executive Council, Dr. William S. Foster, Chairman, Pittsburg, Pa.; Dr. Joseph M. Matthews, Louisville, Ky.; Dr. William A. Spurgeon, Muncie, Ind.; Dr. William Warren Potter, Buffalo, N. Y.; Dr. Augustus Korndorfer, Philadelphia, Pa.

AMERICAN CONGRESS ON TUBERCULOSIS, SESSION OF 1902.

RESOLUTIONS.

The following resolutions were adopted at the recent session of the American Congress on Tuberculosis, and were furnished to the Lay and Medical Press by the Secretary:

1. Resolution offered by Dr. E. J. Barrick, of Toronto:

"That it is the duty of every Government, Municipality and individual citizen to adopt organized methods for lessening the spread of a disease which is causing directly or indirectly probably one-fifth of the total deaths in almost every country in the world."

2. Resolutions submitted by Dr. Oldright, of Canada:

That whereas in the lists of deaths from Tuberculosis classified according to occupations published in the statistical report of the United States and Canada female school teachers hold a very prominent position, this Congress would draw attention to the fact that the average amount of air space, in schools is less than half that recommended by sanitarians all over the world and would further urge upon the authorities their bounden duty of providing more accommodation and better ventilation.

3. Resolution reported from the Committee on Resolutions:

Whereas, Tuberculosis is an Infectious Disease, ordinarily communicated from person to person by means of dried sputum of a consumptive patient, and

Whereas, The spread of Tuberculosis could be largely controlled by proper care of such sputum and the enforcement of comparatively simple measures; therefore, be it

Resolved, By the American Congress of Tuberculosis that the Health Board authorities be urged to disseminate to

the widest extent possible, through the public press and otherwise, correct information as to the manner in which this disease is produced, and the means to be employed for its prevention.

Resolved, That we believe it to be the duty of the National, State and Municipal Governments to enact rational methods for the institutions for the care of indigent consumptives.

Resolved, That there should be State and Municipal supervision of all public conveyances used for the transportation of passengers;and in view of the fact that spitting on the floors of public conveyances favors the spread of Tuberculosis and is injurious to the public health, it is recommended that transportation companies be induced to pass and enforce rules against this act.

Resolved, That appropriations should be requested from State and Municipal Governments for the application and distribution of literature as a means of education in the prevention of the spread of Tuberculosis.

Resolved, That all cases of Tuberculosis should be reported by the attending physician to the Health Boards for purpose of disinfection of houses occupied by consumptives.

4. Resolution offered by Clark Bell, Esq., and submitted by the Commmittee on Resolution:

Resolved, That the American Congress of Tuberculosis, now in session, desires to congratulate the people of England, the British nation, and His Majesty, King Edward VII, on the conclusion of the war pending between His Majesty's Government and the Boers; and we hail with great pleasure the announcement of the restoration of peace, and the cessation of further hositilities, as a result that the whole world will hail with great satisfaction.

THE CASE OF JANE TOPPAN.

In all ways considered this must be regarded as one of the most remarkable cases of our time.

No case in our criminal annals presents such singular phenomena as does this.

It is not conceivable that this unfortunate woman was of sane mind.

Acting as a nurse for the sick, one after another of her patients died.

In addition to the three deaths in the Davis family, on which she was indicted, Miss Toppan was believed to have been concerned in the deaths of the following persons, all of whom she nursed:

Israel P. Dunham, of Cambridge, died May 26, 1895, aged 80 years.

Mrs. Dunham, his wife, died Sept. 19, 1897.

Miss Connors, died at Cambridge in 1900.

Mrs. Alvin P. Davis, aged 62 years, died at Cambridge, July 4, 1901.

Mrs. O. M. Brigham, of Lowell, died Aug. 29, 1899, aged 69 years.

Florence N. Calkins, housekeeper for Mrs. Brigham, died Jan. 15, 1900.

Mrs. Edna Banister, of Tunbridge, sister of Mrs. Brigham, died Aug. 27, 1901.

All question of any motive for gain on her part must be eliminated from consideration. There can be no other conclusion than that she is not only insane, but a degenerate of a type wholly unparalleled in the past history of such cases.

Psychologically considered this case presents some most extraordinary phenomena. Her moral sense seems to have been overthrown.

The jury found her to be insane at the trial at Barnstable, Mass., and she is committed to an insane asylum at Taunton, Mass., for the rest of her life.

The evidence of the alienists, Drs. Stedman, Quinby and Jelly, who testified that she was insane on August 13; that she is now suffering from a form of degenerative insanity in the defective control of an irresistible impulse and is irresponsible for the crime with which she is charged.

Her commitment will enable a careful examination of the psychological side of her case, which presents some strange and singular phenomena.

It is asserted that when she was watched she had the ability to restrain herself and that when not watched she did not seem able to do so. The phenomena of this case will be regarded as worthy of careful study.

ILLUSTRATIONS IN MEDICAL JOURNALS.

The Journal of the American Medical Association in its recent number reporting the work of the American Medical Association, held at Saratoga Springs, published twenty odd portraits of the most prominent physicians in the United States, identified with its section work, and an admirable portrait of Dr. Wyeth, the president of that body.

This is certainly a creditable piece of work for our Chicago contemporary, and the reproductions are very well done indeed.

It is an evidence of progress and breadth of views, when this leading Medical Journal, the organ of the representative society of the medical profession in the United States, publishes portraits of the foremost physicians of the nation, giving them credit for the work, they have done, and are doing for the advancement of medical science in the nation.

We are glad to see this, and admire the Journal, that having the courage of its convictions, meets this question, so fully and fairly and places the seal of commendation on the ethical questions involved from a medical standpoint.

NEW YORK SUPREME COURT—APPELLATE DIVISION FOURTH DEPARTMENT.

We are glad to announce the publication of a fine group of the Appellate Division of the Supreme Court on the Fourth Department, suitable for framing, and which will be at the disposal of the Bar of the State.

It is taken from portraits furnished us by the judges themselves, taken in judicial robes, and is from advance sheets of the Supreme Court of the States and Provinces of North America. The price will be $1.00 per copy on fine paper.

The portraits which embellish this volume, of this Branch of the Court, are from the same portraits, and the work is published by copyright. Orders sent this journal will receive prompt attention.

THE AMERICAN CONGRESS ON TUBERCULOSIS.

THE BANQUET AT THE HOTEL MAJESTIC.

THE PRESENTATION OF A LOVING CUP TO THE RETIRING SECRETARY, CLARK BELL, ESQ., LL. D.

The annual banquet of the American Congress on Tuberculosis was given at the Hotel Majestic, and was a very brilliant gathering. There were one hundred guests at the tables, which were arranged so that nine were seated at each table, and there were some smaller tables for the over-flow, at one of which Surgeon W. C. Braisted, of the U. S. Naval Hospital at Brooklyn, presided with his wife and a party of his friends.

At the President's table, presided over by Dr. Henry D. Holton, the President, sat President Formes, as guest of honor; Clark Bell, Esq., the retiring Secretary, and his wife; the Countess and Dr. G. Bettini di Moise; Dr. E. T. Barrick, of Toronto; Prof. W. H. Brewer, of New Haven; Dr. C. S. Lindsley, Secretary of the State Board of Health of Connecticut, and Dr. George Brown, of Atlanta, Ga.

Vice-President Dr. J. Mount Bleyer, in the absence of Judge Abram H. Dailey, Chairman of the Committee of Reception, who was detained at home by illness, presided over a table of ladies and gentlemen.

Dr. H. Edwin Lewis, of Burlington, Vt., Chairman of Committee on the Museum, presided over a table, at which sat his wife, and his father and mother, and a party of ladies and gentlemen.

Dr. Alex. Mack, Chairman of the Georgia Delegation, presided over one table of delegates from his State, and Dr. T. M. McIntosh, of Georgia, over another.

Dr. James A. Egan, Secretary State Board of Health of Illinois, presided over one table, at which sat delegates from the far West, among whom was Mrs. Mary A. Lease.

Dr. Fairbrother, of East St. Louis, Ill., presided over one table. Dr. J. L. Nicholson, of North Carolina, at another; Dr. Linn, President of the State Board of Health of Iowa, over another.

The menu was worthy of the Hotel Majestic and of the occasion.

After the coffee, and before the Chairman called to order, Dr. George Brown, of Atlanta, called for attention, and alluding to the fact that the Secretary of the Congress, Mr. Clark Bell, had announced to the officers of the Congress that he should retire and not accept a re-election on account of his inability to give personal attention to the very exacting duties that had devolved upon him in arranging for this Congress, after paying a high tribste to Mr. Bell's great labor and ability in the past, asked leave to introduce before the regular work was taken up, Dr. T. M. McIntosh, one of the delegates named by the Governor of that State to the Congress.

Dr. McIntosh made an eloquent address, complimenting Mr. Clark Bell in the highest terms for the great work he had accomplished by his personal and untiring efforts in organizing this Congress, and bringing it to the wonderful fruition that was now illustrated at this session.

We regret that we are unable to give Mr. McIntosh's speech at length. It was so eulogistic, and spoke in such high terms of the labors of Mr. Bell, and his success in enlist-

ing the co-operation of the Government of the United States and the representatives of foreign countries who were in attendance on the Congress, and many of them at the Banquet.

Dr. McIntosh concluded by saying, "That he presented the large silver loving cup in the name of the medical profession of the United States,to Mr. Clark Bell,the Secretary-Treasurer of the American Congress on Tubercuolsis, in recognition and appreciation of the work Mr. Bell had accomplished for humanity."

Mr. Bell seemed entirely surprised and to be much overcome.

He spoke under great, but suppressed emotion and deep feeling. His remarks will appear later, and in the Bulletin. Mr. Bell ordered the loving cup filled with champagne of three different brands, and at the close of his remarks gave a toast to the success of the American Congress on Tuberculosis; which under its splendid and successful organization, completed at the session of that day on the report of its Standing Committee on a permanent organization, had entered upon a career, as he believed, of great usefulness for the future good of the race and the suppression by legislative action and the spread of education, not only among the masses of the people, but of both professions of law and medicine, who had co-operated in the labors that had been so signally successful in the Congress now in session.

The cup is about 10 inches in height, and is of silver on an ebony pedestal. When the cup was returned after being tasted by every person in the hall, to the President's table, where Mr. Bell sat, he asked permission to present it to his wife, who was seated between the President and President Formes.

Permission was given with cheers, and Mrs. Bell gracefully kissed the cup as she received it from her husband's hands.

The President then called the tables to order and made a graceful speech of welcome to the delegates from foreign

countries, and to the members, delegates and guests.

In allusion to the Congress, its aims and work, he felt that its success was now assured, and that its usefulness must be acknowledged by all.

At the close of his interesting address he introduced Mr. Clark Bell, Secretary and Treasurer, whom he complimented highly for his useful and efficient work as the toast-master for the evening.

Mr. Bell responded in a happy vein. His address will be given later.

He read letters of regret from President Roosevelt, Mayor Low, and explained that the absence of both the Governor and Lieutenant-Governor of the State had given the Congress the right to call on that officer, who under the charter of the City of New York, was acting Mayor when the Mayor was out of town, President Formes, of the Board of Aldermen of the City of New York, who, under the charter becomes Acting Mayor when the Mayor was absent, and who was, in the absence of the Mayor, the guest of the evening.

President Formes made a formal address of welcome to the Congress and apologized for not having done so at the opening of the Congress on the previous day, pursuant to his invitation, which he regretted not being able to do.

President Formes made an eloquent and able address in which he spoke of the field and mission of the Congress, as entitled to the sympathy and co-operation, not alone of the municipal officers of the city, but of both State and National executives and to legislative aid.

He alluded to the wide-spread ravages of the disease, and of the necessity of legislative action to carry out the measures which scientific demonstration had declared to be necessary, and the need of so educating the people as to create a public opinion in favor of such action.

He alluded to the work and mission of medical men and scientists in the technical part of the study of the disease, but held that the plan of the Congress in enlisting leading jurists,

public officials and Governors of States was the most important factor in a work so closely related to law and medicine, and which required the ablest statesmanship to consider the problems involved.

He paid a graceful tribute to the retiring officers for the great work that had been accomplished.

Mr. Clark Bell, the toast-master, then called upon representatives of different foreign countries and introduced Dr. E. T. Barrick, Vice President-at-large, and toasted the Government of Ontario, which had also sent an official delegate to the Congress, Dr. Oldright, and the Government of the Dominion of Canada. Dr. E. T. Barrick responded for the Province and the Dominion.

The Mexican delegate, Dr. Lope, then spoke in Spanish for Mexico, and the delegate from Costa Rica interpreted his remarks. Then followed in succession speeches from Dr. Herrera, the Charge-de-Affairs from Uruguay; Consul-Gen. Juan J. Ulloa of Costa Rica,and the delegates from Hayti and Guatemala. On the call of the States Dr. C. S. Lindsley, of New Haven, Secretary State Board of Health, and Prof. W. H. Brewer, of New Haven, spoke for Connecticut: Dr. Geo. Brown for Georgia, a State that had twenty delegates in attendance; Dr. James E. Egan, of the State Board of Health, and Dr. Fairbrother, of East St. Louis, spoke for Illinois; Dr. Linn, President State Board of Health, spoke for Iowa; Dr. J. Wood Fassett for Missouri; Dr. Watson, Secretary State Board of Health, for New Hampshire; Dr. Samuel Bell Thomas for the State of New York;Dr. J. W. C. O'Neal and Dr. M. K. Kassabian for Pennsylvania; Dr. C. O. Probst, Secretary State Board of Health, for Ohio; Surgeon W. C. Braisted for the U. S. Navy; Dr. H. Edwin Lewis for Vermont, and many others followed, and midnight appeared before the meeting broke.

The feeling was universal that the success of the congress had been far beyond the most sanguine anticipations of its promoters.

THE PRESIDENT OF THE BOARD OF HEALTH OF THE CITY OF NEW YORK—AND MAYOR LOW.

Whatever criticisms may be made against Mayor Low and his administration, there is one appointment for which he well deserves the thanks of the citizens of New York.

The selection of Dr. Ernest J. Lederle, Ph. D., for the presidency of the Board of Health of the city, was a splendid selection.

Dr. Lederle is, perhaps, one of the best, if not the best man in New York city for the place.

His administration of the office has been such as to deserve the commendation of our people.. The change has been marked, and the work of the highest order of excellence.

There has been, so far as we know, but one opinion as to the sagacity of the Mayor for the selection.

But there is one journal, the Boston Medical and Surgical Journal, which assails Mayor Low for not having named one of Dr. Lederle's medical advisers as President of the Board, because he is a physician, and thus save the city the salary of that medical officer.

The Boston editor's ground of assault is that Mayor Low should have appointed a physician as president of the board, and that Dr. Lederle is not a physician.

If there is one thing more than another that New York City is fastidious about, it is that it don't want a physician as president of its Board of Health.

There are very few physcians with sufficient administrative ability to exercise the duties of such an administrative office as this is. Their whole education and environment unfits them for it.

With so complicated and important an office as President of the Board of Health, it would not do.

No one knows this better than Mayor Low. The quarrels in the schools of medicine, of various types of medical men; the peculiar ethics among them; their relations to each other,

and their ideas of practical work, very frequently unfits them for important detailed administrative action.

Imagine a physican in New York city as President of the Board of Health, and the authorities of his school dictating his action and policy.

We cannot recall any physician who has held the office in recent years.

Dr. Lederle is outside of all such interferences or frictions as would be in his path of a physician of any school.

He has a strong staff of medical advisers in case he should need medical advice.

The City of New York would be in a bad way in its Health Department, if the ideas of the Boston editor, censuring our Mayor for not naming a physician, were entitled to consideration.

JOURNALS AND BOOKS.

CYCLOPEDIA OF LAW AND PROCEDURE. American Law Book Co., New York and London, 1901.

Vol. 2, of this fine work, was issued in 1901, and was crowded out of our review notices. It continues the letter "A" from Affidavits, by E. Craighill, Jr., an essay of 40 pages, and treats of its definitive and general nature; who may make; who may take; and the form and contents.

It treats of "Amendments of Affidavits; of their use as evidence; and to compel their making." The subject is ably and comprehensively treated.

Hon. Charles L. Lewis, Associate Justice of the Superior Court of Minnesota, contributes the article on "Affray" in an able essay of ten pages of the volume, which he divided under seven heads, viz.:

1. What Constitutes. 2. Jurisdiction of Justices of the Peace. 3. The Indictment. 4. Defense. 5. The Trial. 6. Permit. 7. Suppression.

Judge Lewis has made a valuable contribution to the literature of the subject and is entitled to the thanks of the profession for it.

Judge Gilbert Collins, Associate Justice of the Supreme Court of New Jersey, has written the essay on "Agriculture," containing twenty-nine pages in which he treats the subject quite exhaustively and in detail.

He has subdivided his theme under five different heads or subdivisions, viz.: Definition, Agricultural Liens, Illegal Trading in Farm Products, Inspection and Breeding of Fertilizers, and Agricultural Societies.

The subject is handled in a novel and quite unique manner, and the profession will regard it as of great interest.

Archibald C. Boyd, Esq., treats the subject of "Aliens" very ably and exhaustively in an essay of fifty pages of the Volume, under seven headings, viz.: Definition and Classification; How Divided; Evidence of; Privileges and Disabilities; Naturalization; Immigration; and the Chinese Exclusion Acts. The last theme is new, and very complete and valuable.

Ex-Chief Justice, Hon. John F. Dillon, of the Supreme Bench of Iowa, and now of the New York City Bar, furnishes a strong and masterly paper on "Alterations of Instruments," which he treats under ten heads.

What Judge Dillion undertakes he does carefully and well. His essay covers one hundred and twenty-nine pages of this work, and will be standard and regarded as authentic by the profession. It would be well worth publishing as a book on the subject.

A short essay of twenty pages is contributed by Mr. Basil Jones on "Ambassadors and Consuls."

He handles the subject with ability and care under eleven heads.

The "Law of Amicus Curia" is made the theme of a short article by Arthur P. Wilt, Esq.

Hon. Samuel C. Bennett, Dean of the School of Law of Boston University, has prepared the article on "Animals," which he treats quite exhaustively under sixteen different subdivisions, occupying one hundred and fifty-four pages of the volume, and the whole subject is carefully treated and with signal ability.

The remainder of Volume II. is devoted to a carefully prepared work by Judge Walter Clark, of the Supreme Bench of North Carolina, on "Appeal and Error," which is not fully completed in Volume II. of Cyclopedia, but which occupies six hundred and twenty pages of the Volume.

The reputation of Judge Walter Clark as a writer upon legal questions is high.

This work, for it is a work and should be published in a separate volume on this subject, is a monument to the learning and the great power and industry of Judge Clark. It will be accepted by the profession as standard, and it lends great weight and dignity to the Cyclopedia itself.

The System of Cross References introduced in Volume I is continued in Volume II, and is a most important and valuable feature of the work.

The Volume as a whole is quite up to the standard of the authors of the work, and if it is maintained in the future, must command the confidence, as well as the financial support of the Bench and the Bar.

LAWSON ON EXPERT AND OPINION EVIDENCE. T. H. Flood & Co., Chicago, 1900. Second Edition Revised and Enlarged by John D. Lawson, LL. D.

The first edition of this work was published in 1883, and contained citations of 1,854 cases. After seven years this edition is brought out and contains over 3,000 citations.

The first edition was well received by the profession, but the superiority of this edition is very great aside from the increase in citations.

The large class of cases now in general practice where expert and opinion evidence must be met, assailed and provided for by the profession, renders such a work of paramount value to the practicing lawyer.

This work is now regarded by the Bar, and I think the Bench, with great favor.

It evinces careful handling and conscientious study, and deserves a place on the shelf of every lawyer in active practice.

THE BULLETIN OF THE AMERICAN CONGRESS ON TUBERCULOSIS FOR 1901. The Medico-Legal Journal, Publisher, 39 Broadway, N. Y., 1902

This volume from the press of this journal containing 319 pages, was published June 4, 1902.

It is compiled by the editor of this Journal and is a record of the work of the American Congress on Tuberculosis, held May 15th and 16th, 1901, at the Hotel Majestic in the city of New York.

It contains an historical statement of the organization of that Congress; its transactions, and a large number of the papers contributed to the work of that body.

It is illustrated with portraits of its officers and contributors, and copyrighted by the Editor of this Journal.

It can be obtained in paper covers so long as the limited edition lasts, after the enrolled members are supplied, at $1.00 a copy in paper, with 10 cents additional for postage.

Every enrolled member of that Congress is entitled to a copy, and if 10 cents in postage stamps is enclosed to this Journal, it will be sent to every enrolled member who has paid.

Only a few copies of the edition ordered can be sold; those first ordering will be first supplied.

THE PERVERTS. By Wm. Lee Howard, M. D. G. W. Dillingham Co., New York, 1901.

Dr. Wm. Lee Howard is a gifted physician who has given his professional life to the study of the psychical side of man.

He, in investigating the responsibility of men who have a tendency to degeneracy by inheritance or excesses, looks deeper into causes than those which appear superficially.

His idea has been to make careful studies of the wrecks whom he has found stranded on the sea of human life, the victims of its tempests, its passions, and their environment, their inability to steer clear of the rocks that were nowhere lighted on the charts of that ocean of existence.

He has had a large and an interesting practice. He has made his own note book on the wrecks he has witnessed, the ruins he has studied in all them, in their unfolding and at the catastrophies, and to weave them into the story which is the warp of this book, upon which he has strung the facts as he has studied and noted them.

The work is well written, attractive in style and will be read with interest as a part of the psychic phenomena we encounter in life on all hands.

He has dedicated it to the memory of Edgar Allen Poe, because he has regarded that wonderful and erratic genius, as one of the most interesting and valuable studies in that domain to which Dr. Howard invites his readers, and the lessons of whose career he believes is full of deep and profound interest.

A Medico-Legal Manual. By Judge Wm. W. Keyser, Judge of the District Court of Omaha, Nebraska, and Lecturer on Medical Jurisprudence in Omaha Medical College. Burkley Printing Co., Omaha, 1901.

Judge Keyser has made a careful study of Medical Jurisprudence, for which he has a strong taste, and he has utilized his studies in a series of lectures which he has delivered to a class at the Omaha Medical College. There were twenty-seven of these lectures, and he has devoted a lecture to each of these subjects.

They are in the easy conversational style that a speaker would use in addressing a class, and do not assume to be careful treatises, but such prominent statements of the facts, the enunciation of the law as would be most easy for the interested student to learn and grasp the principle asserted.

Each lecture seems to be in outline,a statement of the most prominent features of the subject, with an occasional reference to the decisions in Nebraska, and the statutes of that State as related to the subject under discussion.

The work as a whole shows that Judge Keyser has made careful studies of the subjects on which he writes, of such authors as have been accessible to him.

On these questions the work will be useful as a compilation, but on the questions of insanity, responsibility of those thus afflicted charged with crime, his studies have been covered by the writers of the past, and especially the realistic field of thought.

He does not attempt to go deeply into these themes, nor keep up with modern judicial evolution.

In classification of insanity, for example, he cites Morse, as quoted by Dr. Hart Luke in 1860; Dr. Ray in his old work, and Dr. Hammond ignoring the International Congresses, held subsequently to agree on a uniform classification for statistical purposes.

He clings to the old term "monomania," which was applied by Esquiol, its inventor, to an entirely different class of cases from those discovered by the author, and supports the old theory that a man who is suffering from monomania is insane on one subject only, and sane on all other subjects. The term is no longer used by alienists, because of its entirely different meaning by Esquirol, and the German and French alienists, from that defined by this author, and upheld by decisions of some of our earlier judges.

SPIRITISM, HYPNOTISM AND TELEPATHY. By Clark Bell, Esq., LL. D. The Medico-Legal Journal, 1902; in press.

This is a brochure embracing the statement published in the New York Herald, of Mrs. Leonora E. Piper, relating to her relations with the Society of Psychical Research and its phenomena and the discussion of the subjects involved by more than twenty writers before the Medico-Legal Society, embracing all schools of thought and shades of opinion. It will be out in July. The orders should include 10 cents for postage. Address Medico-Legal Journal; price $1.00 in paper. The edition is a limited one, and orders will be filled in the order in which they are received.

The work is copyrighted by the Editor, and each author's contribution is illustrated with a portrait. The following writers have contributed and others:

Thomson Jay Hudson, LL. D., John Duncan Quackenbos, M. D., Judge Abram H. Dailey, Clark Bell, Esq., LL. D., Hon. Luther R. Marsh, H. C. Wright, Esq., Eleanor Gridley, T. D. Crothers, M. D., Alexander Wilder, M. D., Wm. Lee Howard, M. D., Prof. W. Xavier Sudduth, Mrs. Mary A. Lease, Rev. J. Minot Savage, M. Louise Thomas, Richard Hodgson, LL. D., Prof. J. H. Hyslop, Rev. Geo. H. Hepworth, C. Van D. Chenoweth, Leonora E. Piper, F. E. Daniel, M. D.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

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Andrews and Murdoch, Berrien Springs, Mich. "Annual Digest of Life and Accident Insurance Cases." 1901.

The O. M. C. Pulse. Vol. V, No. 8. B. W. Christie and W. P. Wherry, Publishers, Omaha, Neb. 1902.

The National Arts Club. Year Book of the Municipal Art Society of New York. Manhattan, 1902.

Minnesota Sanitary Conference, 1902 Programme. St. Paul and Minneapolis, January 14th and 15th.

Arthur J. Collins, Pleasant Valley Nurseries, Morristown, N. J. 1902.

Masson et Co., Paris, France. Section du Biologiste. Catalogue des 134 Volumes, Paris.

Henry Frank. "The Independent Thinker." Vol. II., February, 1902. No. 9.

Flavel B. Tiffany, A. M., M. D. "Anomalies and Diseases of the Eye." Prospectus. Hudson-Kimberly Publishing Co., Kansas City.

League for Social Service, New York. "Our Unemployed; and What Count Rumford Did for the Poor in Bavaria."

M. A. Veeder, M. D., Lyons, N. Y. "Disinfection Within and Without the Body in Diphtheria." 1901.

Dr. Emilio R. Coni, Buenos Ayres, S. A. "Revista de la Tuberculosis." June, 1901 to May, 1902, inclusive.

Walter Wyman, Surgeon-General. "Yellow Fever in France, Italy, Great Britain and Austria, and Bibliography of Yellow Fever in Europe." May, 1902. Washington, D. C.

M. A. Veeder, M. D., Lyons, N. Y. "The Relative Importance of Flies and Water Supply in Spreading Disease." 1899.

"The Spread of Typhoid and Dysenteric Diseases by Flies." 1899.

M. A. Veeder and Mr. J. L. Richards, Sanitary Engineer, Elizabeth, N. J. "Garbage Reduction by Steam." 1902.

Farbenfabriken, of Elberfeld Co., New York. "Phenacetin Patent Sustained by Court of Last Resort." 1902.

Kathiawar Law Reports. January, February, March and April Numbers, 1902.

North Carolina State Horticulture Society, Southern Pines, N. C. "The Cow Pea."

J. Van Deventer, S. zn. "Verslag betreffende het Gesticht Meerenberg over het Jaar, 1901." Haarlem, 1902.

Richard Hodgson, LL. D. "The Work of the Society for Psychic Research." Boston, 1899.

Melville Dewey, Director New York State Library. Bulletin 72, March, 1902. Albany, N. Y.

H. K. Lewis, London. "Report of the Homes for Inebriates Association Together With the Eighteenth Annual Report of the Dalrymple Home at Rickmansworth." 1901-1902.

Harry Friedenwald, M. D., Baltimore, Md. "The History of the Invention and Development of the Ophtalmoscope," and

Casey A. Wood, M. D., Chicago. "Hermann von Helmholtz, the Inventor of the Ophtalmoscope." Two Reprints from the Journal of the American Medical Association. March 1, 1902.

A. G. Young, M. D., Secretary of the State Board of Health of Maine. "The Sanitary Inspector." Vol. XV., No. 2. May 1902.

I. M. Heilbrun. "American Medical Journalist." Vol. VI., No. 2. June, 1902.

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Harold A. Moyer, M. D., Chicago. The Relation of the Medical Editors to Original Communications. (Will notice this valuable paper later.)

Dr. Edouard Liceaga, President Board of Health, Mexico. Defense Against Tuberculosis. 1901.

MAGAZINES.

The July numbers of the monthly magazines are on our table as we go to press.

Harper's Magazine. Among its most important articles we notice:
The Warrior's Mother, by Maud S. Rawson.
A Gulf of Fire, by James C. Fernald.
Summer Life in Andalusia, by Benjamin H. Ridgely.
Lady Rose's Daughter; Part III; by Mrs. Humphry Ward.
American Private Forests, by Overton W. Price.
The Deserted Village. Pictures by Edwin A. Abbey, R. A.
The Deciding of Encarnacion, by Henry S. Kirk.
Beginnings of American Literature, by George E. Woodberry.
What the Astronomers Are Doing, by Simon Newcomb.
Ways of Words in English Speech, by George L. Kittredge.
In Payment Thereof, by Mary K. Potter.
The Real D'Artagnan, by Charles Sellier.
Cap'n Goldsack, by William Sharp.
Letter-Post, by Van Tassel Sutphen.
The Glimmer of Dream, by John V. Cheney.
A Hermit in Arcadia, by Alice Brown.
"Fools Rush in * * * " by Curtis H. Page.
The Manners of the Past, by S. G. Tallentyre.

Scribner's Magazine. We notice some of its more important papers.
In the Redwoods, by A. D. Nordhoff.
The Martinique Pompeii, by James R. Church.
Capt. Macklin—His Memoirs; IV; by Richard Harding Davis.
The Abitibi Fur Brigade, by Arthur Heming.
In Burma With the Viceroy, by Mrs. Everard Cotes.
The Army of the Callahan, by John Fox, Jr.
Haworth, Yale, '98, Emigrant, by Marguerite Tracy.
Violin-Moods, by Robert H. Schauffler.
Wind on the Mountain, by Joseph R. Taylor.

The North American Review contains the following articles among other good ones:
The Storage Battery and the Motor Car, by Thomas A. Edison.
Effect of the Steamship Merger on American Shipbuilding, by Charles H. Cramp.
Personal Influence of the Kaiser on German Public Life, by Wolf von Schierbrand.
The Prorogued Turkish Parliament, by Karl Blind.
Immigration's Menace to the National Health, by T. V. Powderly.
Mr. Carnegie's New Book, by M. W. Hazeltine.
Strikes and the Public Welfare, by John Handiboe.
Cecil Rhodes, by H. Cust, M. P.
Defects and Abuses in Our Postal System, by H. A. Castle.
Why Is An Isthmian Canal Not Built? by Lewis M. Haupt.
Public Debt of Prussia, by Dr. Adolph Wagner.

The Ledger Monthly contains an attractive list of titles, from which we select:
A Woman's Cruise to "The Labrador," by Mildred I. McNeal.
A Northern Girl in the South, by Jeannette H. Walworth.
New York's Summer Amusements, by Frederick Phillips.
Photographing Living Wild Things, by L. W. Brownell.

A Missionary and His Dogs in the Wild Northwest, by Rev. E. R. Young.
Cultivation of Physical Beauty, by Stella Stuart.
The Ledger Album of Celebrities. (Illustrated.)

The Ladies' Home Journal has a valuable list of contributors, among whom are:
Martha Washington Knitting for the Soldiers at Valley Forge, by Wuanita Smith.
The Cat That Walked by Himself, by Rudyard Kipling.
The Child of the Opera House, by Gustav Kobbe.
Love Stories of Some American Girls, by Anne V. Culbertson.
Rocks That Have Faces on Them, by Charles T. Scott.

The Century is unusually brilliant, from which we select only a few articles from a long list:
The Great Southwest. III. Irrigation, by Ray S. Baker.
The Prisoner, by S. P. Lyon.
Little Stories. VI.—A Dilemma, by S. Weir Mitchell.
Curious Electrical Forms, by Anabel Parker.
Prince Louis Napoleon and the Nicaragua Canal, by Sara Y. Stevenson.
A Campaign Against the Mosquito. I.—The Growing Interest in Mosquito Extermination, by Dr. L. O. Howard. II.—Operations at Oyster Bay, L. I., by Henry Clay Weeks.
A Personal Recollection of Carlyle, by James D. Hague.

Review of Reviews has its usual attractive table of contents. We notice only a few:
The Progress of the World.
Record of Current Events.
Various Cartoon Comments.
President Woodrow Wilson, by Robert Bridges.
The South African Peace, the Coronation and the British Outlook, by W. T. Stead.
Anthracite Coal Mines and Mining, by Rosamond D. Rhone.
A General View of the Coal Strike, by Talcott Williams.
The Anthracite-Carrying Railways, by H. T. Newcomb.
Solving the Labor Problem of the Wheat Belts, by William R. Draper.
Leading Articles of the Month.

Atlantic Monthly. Among the best articles in the July number are:
On Keeping the Fourth of July, by B. P.
Certain Aspects of America, by H. D. Sedgwick, Jr.
Two Years' Legislation in Porto Rico, by William F. Willoughby.
The Watch Below, by Edward N. Pomeroy.
The Genius of Retta Romany Tompkins, by R. E. Young.
The Negro: Another View, by Andrew Siedd.
The Plays of Eugene Brieux, by George P. Baker.
The Marsh, by Dallas Lore Sharp.
Miss Petrie's Avocation, by Kate Milner Rabb.
Loss, by Hildegarde Hawthorne.
Race Prejudice in the Philippines, by James A. Le Roy.
The Columbia Studies in Comparative Literature, by F. G.

The World's Work. The July number is excellent. We notice some of the abler articles:
Making Wall Street Safe.
The New Naval Academy, by Commander Richard Wainwright.
The Ministry as a Profession, by David M. Steel.
An Educational Experiment With Cannibals, by Samuel P. Verner.
Lifting Up the Liquor Saloon, by William H. Tolman.
How Cables Unite the World, by Donald Murray.
The President's Buisness Office, by Waldon Fawcett.
Some Living American Historians, by H. Morse Stephens.

A Giant Kansas Farm, by C. H. Matson.
The Revival of Handwork, by Charles Bernard.
The Real Issue of the Coal Strike, by M. G. Cunniff.
The Philippine Problem.

The Arena has an attractive table of contents, among which we note: Symposiums on "Why I am Opposed to Imperialism," by President Geo. Mc. A. Miller, Ph. D., and Prof. Thos. E. Wilt, A. M., of Ruskin College; Mr. Bolton Hall and Mr. Ernst Crosby.
The Actor's Church Alliance, by Geo. Wolfe Shinn, D. D.
The Pride of Life, by Marvin Dana, F. R. G. S.
Whitman's Note of Democracy, by Walter Leighton.
The Present Political Outlook, by Elwood Pomeroy, A. M.

The Alkaloidal Clinic contains its very unique and racy comments on Sexual Hygiene.

THE WEEKLIES.

Harper's Weekly. The latest phenomenal movement by Harper's Weekly, giving its issue for the summer vacation for a nominal sum, and the plan Mr. Geo. Harvey has presented for bringing the publications of Harper & Brothers to the front, is the leading attraction of the hour, and has received a strong notice from the New York Journal editorially, appropos of Mr. J. Pierpont's pithy assault upon the game of poker as un-American and a game that undermines the manhood and integrity of the young. We have never seen a more scathing, graphic or truer criticism on the damaging effect upon a man's moral nature than that produced by draw poker. By sending fifty cents to Harper & Brothers, Franklin Square, they will send you, commencing with their New Harper's Weekly, July 5, 1902, that journal for three months, by mail to any address.

Littell's Living Age in its last number in June gives.
A View of Issen, by A. Maynard Butler.
In a Devonshire Garden, by Fred. Whishaw.
James Speddry, by Leslie Stephens.
An Ambassador, by Mabel Murry Hickson.
The Watcher in the Wood, by Dora Sigman Shorter.

The Boston Medical and Surgical in its last June number approves of the plan adopted at National Congress of having advance sheets of papers sent to those who were to discuss them and limiting the discussions to eight minutes. The plan adopted at the American Congress of Tuberculosis of formulating heads for symposiums so as to admit a large number to discuss a theme, is still more valuable and works with signal success. It announces the interest the Charity Organization Society of New York city is taking, in action to arrest the spread of tuberculosis and its proposed organization of a committee of Medical men for the dissemination of knowledge regarding tuberculosis. This is an excellent movement. Its prior number published Professor Adami's opening address at the Congress on the Veterinary Aspects of Tuberculosis.

HON. CHARLES E. PARKER,
Presiding Justice.

NEW YORK SUPREME COURT.

Appellate Division—Third Department.

1902.

[From advance sheets of the Supreme Court of the States and Provinces of North America.]

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HON. S. ALONZO KELLOGG,
Associate Justice.

HON. EDGAR L. FURSMAN,
Associate Justice.

HON. WALTER LLOYD SMITH,
Associate Justice.

HON. EMORY A. CHASE,
Associate Justice.

NEW YORK SUPREME COURT—APPELLATE DIVISION.
1902.

[From advance sheets of the Supreme Court of the States and Provinces of North America.]

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PRESIDENTIAL ADDRESS.

BY HENRY D. HOLTON, A. M., M. D.,

Before the American Congress of Tuberculosis, June 2, 1902.

It is estimated that one-seventh of the world's population die from tuberculosis every year, and that in this country, including its insular possessions, there are upwards of half a million persons suffering from tuberculosis. Of these cases 400,000 will ultimately terminate in death. Were we engaged in war with any country, necessitating our putting into the field half a million of soldiers, of which four-fifths of them should perish in a period of two or three years from contagious diseases, the press and the whole people would deplore this loss of life and demand of those in authority that efficient means be taken to prevent so great a calamity.

The number of persons dying in Germany from consumption during the time of the Franco-Prussian war was twice as large as the mortality from the casualties of the war.

We are here to take council and formulate such measures as seem best calculated to stay the devastating progress of this "White Plague." It is well settled that the disease is propagated by the bacillus tuberculosis, a vegetable germ. In order that this germ may live and flourish it must find suitable soil upon which to rest, and where it can be free from antagonistic elements which would encompass its destruction. The great source of these infective germs undoubtedly is from the expectoration of those persons who are suffering from the disease. Of the probable other sources, meat and dairy products are to be considered. Smith, Koch and some others hold to the opinion that it is not proven that the bovine bacillus can infect the human; it is to be noticed that they do not say that it is impossible. The fact is well established that man has been accidentally inoculated with bovine tuberculosis bacillus. However, it is properly claimed that this is different from natural infection; it does, however, con-

clusively demonstrate to my mind that the bovine bacillus is pathogenic to the human. Eminent bacteriologists claim that morpologically they are not the same. Lartigan and Ravenel have both demonstrated that there is a marked difference in the appearance of the tubercle bacilli found in different tubercular affections of the human body. Chaveau, using material from cases of acute military tuberculosis in men, prepared in the form of an emulsion and fed to calves, demonstrated that human bacilli tuberculosis were possessed of sufficient virulence to produce the disease in them, and when injected subcutaneously it caused local tubercular disturbance; hence he claims that they are practically identical.

Prof. Behring in his forthcoming book on tuberculosis in cattle, details the result of six years' investigations at Marburg, where he was assisted by Drs. Ruppel and Roemer. He affirms that tuberculosis in man and cattle is propagated by identical bacilli, and that the seeming differences between human and bovine bacilli result from the capacity of the bacilli to accommodate themselves to the organism in which they live. He reaches the conclusion that, chemically and physiologically, tubercle in man and cattle are of the same species. He has successfully infected cattle with virus from human beings, producing fatal tuberculosis. He has discovered a method to render cattle immune against tuberculosis by vaccinating cattle when they are young. This he declares to be his greatest discovery. The method is in use on farms at Marburg.

This leads to the question, what effect environment may have upon this vegetable germ? It is well known that other vegetable seeds germinating under different conditions of air, soil, humidity heat, in fact very dissimilar environments, produce almost a different variety, or at least a very much changed product. Giving due consideration to this fact, is it not a proper conclusion that the observed differences in the bovine and human bacillus may be owing to this change in environment. The difference in virulence has been claimed as another evidence that bovine and human bacilli are distinct varieties and we know that other pathogenic bacilli vary in virulence under practically the same conditions.

Many have claimed that unless the udder of the cow was tuberculous there could not possibly be any danger from the

use of the milk and its products. The report made in 1895 on "The infectiousness of milk from tuberculous cows with no lesion of the udder," by Prof. Harold C. Ernst, for the Trustees of the Massachusetts Society for promoting Agriculture, seems to have been overlooked. After giving a detailed report of each examination he sums up the result as follows:

"There were 121 examinations of milk and cream made, the specimens coming from thirty-six different animals. The bacilli of tuberculosis were found in one or more coverglasses upon nineteen different occasions.

"These nineteen positive results were obtained from twelve different animals, and the bacilli wre found in about equal proportion in the milk and the cream; they were seen more than once in milk from the same cow, at different examinations, six times.

"The bacilli were actually seen, therefore, in specimens from one-third (33 per cent) of the animals examined.

"That these animals were actually affected with tuberculosis, and that the udder was free from disease, was proven in all possible cases by careful post-mortem examinations. These were conducted upon twenty out of thirty-six animals and the notes of that examination are given."

A series of experiments were made by Dr. Ernst to ascertain if it were possible to communicate tubercular disease by the use of milk from cows affected with tuberculosis, yet having healthy udders. These experiments were conducted under as careful precautions as could be devised, first injecting their milk subcutaneously in other animals; second by feeding healthy calves positively free from tuberculosis, with the milk of cows having the disease, but who had healthy udders. The result of these experiments showed that the disease was communicated both by inoculation and by using the milk as food. In addition to these experiments, reports of clinical cases where the disease had been traced to the use of milk as food were obtained by a circular sent to both physicians and veterinarians with the result that out of about one thousand replies nearly six per cent reported having seen cases suspected to have resulted from this cause. These reports were made in 1890, when the fact that the disease was the result of a specific germ was only partially appreciated. It

may be said that these clinical reports are of small value as they are only opinions, not actually verified in a thoroughly scientific way by those reporting them.

As a result of these carefully made tests, Prof. Ernst draws the following conclusions:

"1. While the transmission of tuberculosis by milk is probably not the most important means by which the disease is propagated, it is something to be guarded against most carefully.

"2. The possibility of milk from tuberculous udders containing the infectious element is undeniable.

"3. With the evidence here presented it is equally undeniable that milk from diseased cows with no appreciable lesion of the udder may, and not infrequently does, contain the bacillus of the disease.

"4. Therefore, all such milk should be condemned for food."

It has been asserted that inoculation with bovine bacillus will produce the disease in other animal species; this is corroborated by the reported cases of accidental inoculation of humans by bovine bacillus as reported by Ravenel and others. Again we find the disease communicated by the use of milk, containing the bacillus used as food for other species of animals; evidently the experimenter did not feel at liberty to try the experiment of feeding humans with milk containing the germs of tuberculosis, but numerous cases have been reported where persons have used for food, milk from cows found to have been affected with these bacilli and have developed tuberculosis, from which they have died.

Dr. Jacobi, of this city, in a recent article calls attention to the following reported cases:

"A boy of five months was perfectly healthy while at the breast of his mother. Then he was fed on raw cow's milk and suffered from emaciation, diarrhoea and anorexia. He died after two months. There was tuberculosis of the intestines and of the mesenteric glands; all other organs were normal. The cow that furnished the milk died suddenly two months afterwards. She had pulmonary and pleural tuberculosis; the udders were intact."

"Four children suffering with intestinal tuberculosis had no hereditary predisposition, but had been fed with the raw milk of tuberculous cows."

"In a boarding school thirteen girls contracted tuberculous; six of them died, several perished of primary intestinal tuberculosis. The milk furnished came from a tuberculous cow with badly infected udders."

"He received for examination the thoracic and abdominal viscera of a cow that had enjoyed the reputation of being the finest cow on the farm until she emaciated rapidly and died. Her milk was selected by the farmer, on account of her splendid condition, for his own infant. This child commenced to pine away and died of miliary cerebral tuberculosis at the age of two and one-half years."

In connection with the experiments of Dr. Ernst it is interesting to note that of nineteen calves dropped by these tuberculous cows with healthy udders, all being killed within six days after birth, not one showed any evidence of tuberculosis, although a most careful examination was made with special reference to this point. This would seem to be strong evidence that the disease was not transmitted from mother to offspring. The consensus of opinion seems to be that the bacillus of tuberculosis is not transmitted from parent to child as syphilis may be. There are, however, certain inherited conditions which predispose the child to tuberculosis; viz.: nervous temperament, resulting in a relaxed mucous membrane, easily abraded, which affords a particularly good nidus for the bacillus to lodge and develop; want of proper nervous supply to the assimilating organs whereby the blood is impoverished resulting in sluggish gland secretion, deficient in power to destroy these vegetable germs, when they find their way into the system; narrow chests, which allow the mucosea of the lungs to be more quiet and prevent proper aeration of the blood. Quite as powerful agents are the various acquired conditions which predispose the person to give place to and afford the desired resting place for the seeds of this dread disease.

Among some of the most active predisposing causes are intemperance, insufficient clothing, living in filthy, damp localities, overcrowding, improper or insufficient food; in fact all the various conditions which tend to reduce the vitality of the individual, thus rendering them more susceptible when the tubercular bacilli come their way. Considering that so many persons are born with or have acquired nervous system and mucous surfaces ready to aid in developing the tu-

bercular bacilli, the presence everywhere of sputum containing myriads of these germs, their presence in various food products, it is well for us to inquire why any have escaped this scourge. First, many of these germs are undoubtedly destroyed by sunlight while those that survive and find their way, by inhalation into the air passages or with food into the alimentary canal, are met by secretions of various glands which act as germacides, destroying a large portion of them. In many individuals the remainder do not find a proper lodgment, hence are thrown off without having infected their host. With this brief resume of the principal sources by which tuberculosis is communicated to human beings, we come face to face with the problem which we have gathered to consider and which I trust we shall contribute in some degree to solve, to wit: What means shall be adopted to prevent this continual infection of the human family?

First, I believe as all important, is the education of the masses in better methods of living and this must be insisted upon as the foundation upon which to rear the fabric of prevention. They must be made to fully appreciate the necessity of clean, well ventilated homes, with perfect hygienic surroundings; to have plain properly cooked food, to avoid all excesses, particularly alcoholic, in fact to avoid everything that tends to reduce vitality. Especially, care must be used by those who contract the disease in disposing of their expectorate matter. We must recognize the fact that in the large towns and cities the dwellers in those portions known as tenement house districts, cannot regulate their surroundings, therefore, influences must be brought to bear upon owners of such property to build and keep them in such sanitary condition as local health authorities may require. If they do not do this then legal enactments should be secured giving health boards the power to compel compliance with such sanitary requirements. We must insist that all tenement houses shall be so constructed as to give each room plenty of sunshine and fresh air and make sure that they are not overcrowded.

It is our duty to impress the laity with the truth that in damp and low undrained localities as well as in crowded cities, the germs of this disease particularly abound.

Second, We believe that having taught the communicability of this "plague" by means of germs found in the secre-

tions of those suffering with it, compulsory notification should be insisted upon. The head of the family, the patient or the medical attendant should be held to as strict accountability to report a case of pulmonary tuberculosis as of any other communicable disease, not for the purpose of quarantine, but that the patient, family and all who may have daily associations with such persons may be able to take such precautions as may be advisable, and that patient and family may receive instruction which will prevent the infected person becoming a source from which others may become affected. The objection made to notification that it will tend to shut the person out from all communication with their fellows and prevent those who are able to aid by remunerative labor, from contributing to the support of themselves and others who may be dependent upon them, is not to be considered. With proper care the patients may remain in their own family without danger of infecting them. You will note that we say "proper care," one object of the notification being to instruct all concerned as to what "proper care" means. If the tuberculous subject is to be cured it should be understood by everyone that an early and accurate diagnosis should be made and the patient given a clear and truthful statement of the condition found, and the further information that under certain conditions hereafter to be mentioned that a cure is probable: to this end the earnest and faithful co-operation of the patient must be had. Hence he must thoroughly understand what his condition is and what effort he is expected to make in order that he may be cured. Requiring that cases of tuberculosis be reported is not of recent origin. More than one hundred and twenty-five years ago in the Kingdom of Naples, not only was notification required with severe penalties for neglect so to do, but other requirements to prevent its spread were enforced by equally heavy penalties as is shown by the following edict of the Sovereign of the Kingdom of Naples issued on the 19th of July, 1772:

"1st. That the physician shall report the consumptive patients when ulceration of the lungs has been established, under penalty, for the first offence, 300 ducats, and, upon repetition, of banishment for ten years.

"2nd. That an inventory shall be made by the authorities of the clothing in the patient's room, to be identified after

his death, and if any opposition shall be made, the person doing so if he belongs to the lower class shall have three years in the galleys, or in prison; if to the nobility, three years in the castle and a penalty of three hundred ducats.

"3rd. That the houshold goods which are not susceptible shall be immediately cleansed, and those that are susceptible shall at once be burned.

"4th. That the authorities themselves shall tear out and replaster the house, alter it from cellar to garret, carry away and burn doors and wooden windows and put in new ones.

"5th. That the poor sick shall at once be removed to a hospital.

"6th. That newly built houses cannot be inhabited before one year from their completion and six months after plastering has been finished, and repairing has been done.

"7th. The superintendent of hospitals must keep in separate places clothing and bedding for the use of consumptives.

"Other severe penalties are threatened to those who buy or sell objects which have been used by consumptives and to servants, members of the family and to any transgessor whomsoever."

What was the apparent result of these stringent regulations at the time they were promulgated? The mortality from tuberculosis in that kingdom was as nearly as can be determined ten per one thousand population; in the same territory today it is 1.16 per one thousand population, and all Italy has the lowest rate of mortality from this disease of any European country. Keep in mind that when this edict was published it was not known in what way the disease was communicated but simply that it was contagious. A hundred years later Koch announced the discovery of the tubercular bacillus, giving us an opportunity to prevent its spread by simpler and much less onerous regulations; shall we with this example of prevention before us, longer hesitate to make and execute the regulations that our increased knowledge indicates will practically stamp out this pestilence?

We do not apprehend that there would be as much trouble in collecting the reports of these cases as has been feared. A most successful example of locating by reports, cases of tuberculosis is found in the April report of Major Gorgas, Chief Sanitary Officer at Havana, who having succeeded in

eradicating yellow fever from that city, has now entered upon a campaign to exterminate tuberculosis. He says. "The great object of the Department has been to get the cases of tuberculosis located, and through the various measures used, we have now about 2,500 cases on our lists. These names are carded, with residence and other data, and popular literature sent to them, explaining their disease, its communicability and the best manner of care. I believe that, if the system can be continued for four or five years, tuberculosis can be eradicated as yellow fever has been. We had 900 deaths last year from tuberculosis, placing the average length of a case of tuberculosis at three years, which is a longer period than is usually given to this disease, we would have 2,700 cases of tuberculosis on hand in this city. As we have at present 2,500 located and carded, it can be seen how thorough and successful our system of reporting has been."

The third preventive which presents itself is of marked importance, possessing dual properties of prevention and cure. Sanitoria for consumptives open to a large class an avenue of escape from certain death; at the same time it prevents the spread to a considerable extent of this dread disease. The first institution of the kind was established in Germany in 1859. At the present time there are over forty. The first in this country was established by Dr. E. L. Trudeau at Saranac Lake, in the Adirondac Mountains in 1884. Other private sanitoria have been inaugurated from time to time until there are between forty and fifty. Massachusetts was the first to open a public institution to devote to the care of its tubercular citizens. Connecticut has followed; New York City opened one last February; several more States are reported to have provided for similar institutions. Abroad they are moving rapidly in the matter. Sir Edward Cassell has placed at the disposal of the King of England, a million of dollars for the establishment of a sanitorium for tubercular patients; in order to insure this institution being as perfect as possible, his Majesty has offered three prizes of $2,500, $1,000 and $500, open to men of all nationalities, for the best plans and essays for the construction of a model sanitorium. Our own government in 1899 established one for the Army, Navy and Marine Hospital Service at Fort Bayard, New Mexico. By gathering as many as possible into sanitoria for treatment we prevent infection of other

members of their families; instruct the patient in the best methods to be used to prevent communicating it to others, and having them constantly under the watchful care of an experienced medical man, they are gradually brought from under the cloud of disease into the sunshine of health, when they can return to their former occupations and associates, and where they will act as missionaries to instruct others in the way of living to prevent their acquiring the disease. It has been found that the mortality among patients living in the neighborhood of a sanitorium were very much reduced by reason of information imparted by inmates of the sanitoria, as to the methods of living and caring for themselves.

The reported result of treatment in the various sanitoria is certainly most wonderful and demands the attention of the profession and public. These reports show that from twenty-five to ninety per cent. of cases are cured. The variation in results depends in a large measure upon the stage of the disease when admitted to the sanitoria. Naturally the earlier the patient is submitted to the treatment after the bacilli has begun its work of destruction,the greater the prospect of permanent cure. Hence the public, as well as the profession, should be impressed with the great importance of an early diagnosis of tuberculosis. In the incipient stage, before any cough or any bacilli are to be found in the secretions expectorated, when the patient seeks a prescription, because as he says, "he is run down," some degree of anaemia is present, a slight rise in temperature is noticed, possibly slightly diminished resonance at apex of lung. X-Ray examinations may help to settle the diagnosis; there remains one more diagnostic test that should be used—"Tuberculin." This has never been in general use by the profession after its failure as a therapeutic agent. Its principal use has been by veterinarians for the purpose of diagnosing tuberculosis in bovines; for this purpose it has proved accurate and reliable. A few practitioners have used it for the same purpose in the human, with the result that it has been found safe and accurate. The Superintendent of the London County Asylum for the Insane, in England, desirous of determining if certain of his patients had tuberculosis, reports that of fifty-five cases tested by him with tuberculin, characteristic reactions occurred in forty-five and thirty-four of them died. Of this number au-

topsies were made in twenty-nine, and active tubercular infection was found in every case. Ten of the fifty-five did not react; of these five are still alive; five have died; on a post-mortem examination of these, no trace of tubercle was found. The consensus of opinion of all who have used it to any considerable extent, seems to be that it is accurate as a means of diagnosis, but is entirely harmless both in the tuberculous and non-tuberculous. The time has passed when the expectant plan of waiting for developments can be pursued; it has always been a plan that led through much suffering to death. With the knowledge heretofore possessed it was all that could be done; now, however, no practitioner can enter the plea that he is doing all that can be done while he is waiting for developments, without being charged with being accessory to the death of the patient. With the early diagnosis made, as already pointed out, the person invaded by the death dealing bacilli is at once placed in position and surrounded by the means to destroy and expel the enemy, with probabilities very largely in favor of ultimate and complete victory. The various private sanitoria not only offer to the wealthy the way of escape from long invalidism, suffering and death, but lead them through pleasant avenues back to health, the pursuit of happiness and useful occupations, surrounded by loving friends who have been anxiously waiting the auspicious result. But what of the bread winner, or the youth struggling to win sustenance for a family of dependents, or blaze his way from poverty and obscurity to competency and a place among the worthy citizens of the community.

Shall he remain as now, doomed to certain but gradual wasting decay and death, with the added anguish that he is likely to communicate the same plague to the loved ones for whom he had cherished most lofty ambitions, but who must prematurely fight the battles of life, while with anguish they watch his growing feebleness, as gradually but inevitably he goes down to death as the result of his unassisted warfare with the victorious bacilli of tuberculosis. To this class the State owes a duty that should not longer be delayed. It should provide Sanitoria in which at the earliest possible moment, the victim of this terrible scourge should be placed, and thus given all aid possible to bring him back to his just heritage and all the duties of citizenship. For those, who

through ignorance or neglect have advanced beyond the curative stage, there should be provided homes where they may be cared for at the same time they are prevented from infecting others.

It will be the duty, and undoubtedly the pleasure, of this Congress to consider these various questions. We believe that recommendations should be made to State and municipal boards of health, urging them to increase their efforts with a view to educate all classes of our citizens in the knowledge of the infectiousness of this disease, and the best means of preventing its spread, including notification of infected persons and the disposal of their secretions, also the care to be taken in the use of dairy products and beef as food by the public in general.

Further action should be taken setting forth the duty of State and muncipal governments to provide sanitoria where the poor can seek cure in the earliest stage of the infection, and hospitals for the care of advanced cases where they can be made comfortable and prevented from conveying the germs to others.

"Let our increasing, earnest prayer
Be, too, for light,—for strength to bear
Our portion of the weight of care,
That crushes into dumb despair,
One-half the human race."

ON TUBERCULOSIS.

IN RELATION TO THE LIVESTOCK INDUSTRY.

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Asked to open a discussion upon the subject of 'The Veterinary Aspect of Tuberculosis,' I confess that at the very outset I have been in difficulties as to what to include under this term. Strictly speaking, I take it, this title indicates that I should dwell upon the prevention and cure of tuberculosis in the domestic animals, and to this matter my remarks will mainly be devoted. I note, though, that a report of mine to the Department of Agriculture of Canada, upon the relationship between human and bovine tuberculosis, has been printed in extenso in what I believe is the official organ of this Congress—a fact which would seem to indicate that the subject matter of that report is to be made the basis for this discussion, and that what is now required of me is an introduction to a debate upon the intercommunicability of human and bovine tuberculosis,with all that such intercommunicability or non-intercommunicability may imply.

I cannot, however, but recognize that this is only a small portion of the ground that ought to be covered; nay more, that at this present moment it is of far greater importance to dwell upon those aspects of tuberculosis, upon which all serious observers are united, rather than those regarding which there has developed some difference of opinion. If this Congress is to help in moulding the public mind, if it is to fortify the great and necessary work of arresting the progress of this terrible disease upon our Continent, it will not accomplish that by dwelling upon the points of difference between conscientious workers, or by a debate in which we indulge in

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destructive criticism, destructive not only of each other's views but also in the confidence of the agricultural community in the soundness of our recommendations.

Our duty on the other hand is to emphasize those points regarding which we are all agreed, so that thereby the public may see why it is that we who have studied this question, are one and all so insistent concerning the need for legislative and other measures tending to control and arrest the spread of the disease.

If, therefore, I have little to say upon this vexed question of intercommunicability, it is not because I am unwilling to discuss the matter. I have endeavored to put my views as clearly as possible in the report that is before the members of the Congress, nor do I see reason to modify the conclusions there indicated. It is because I am convinced that I and this Congress as a whole can accomplish greater good by discussing the broader subject of tuberculosis and its bearing upon the live stock industry of this country.

Now, in the first place, as a point upon which all are in absolute agreement, it may be laid down that under ordinary conditions tuberculosis of domestic animals does not develop by reason of infection from human beings suffering from the disease. The infection is from animal to animal. In every case so far studied, with very rare exceptions,—in cattle, at least,—the infection has originated by the introduction of an already infected animal from without. If, therefore, at the Experimental Farm, we can under special conditions infect cattle and hogs with material taken from a case of the disease in man, it has to be recognized that for practical purposes this mode of infection may be neglected. For practical purposes we have, as I say, to keep this in mind, that infection is introduced by an animal and is propagated from animal to animal. And thus, and this is a most important point, in our endeavors to arrest tuberculosis among live stock, it is possible to treat the matter wholly apart from man and considerations of tuberculosis in man. We can regard it as a wholly separate proposition.

But, in the second place, is it necessary to attempt such eradication of the disease among the domestic animals? It certainly is if (i) the disease causes or is capable of causing severe loss to the community, and if, commercially speaking, it inflicts grave losses upon an important industry, and if (ii)

affecting our domestic animals it is liable to spread from them to man. I put the commercial reason first because it is, taking everything into consideration, undoubtedly the more weighty at the present moment. I will not say because it is the reason which is the more likely to influence those directly concerned in the live stock industry, though one has to regretfully admit that what immediately appeals to the pocket is more potent than humane considerations, but, more especially, because at this juncture when there is doubt, not so much about the possibility of the infection of human beings from cattle as about the extent of that infection, the very fact that there is debate about any aspects of the matter weakens the popular appreciation of the validity of what is urged in this connection.

Is the existence of tuberculosis among the live stock a menace to that industry in this country? Undoubtedly it is, and that not so much because here in America the herds are already very extensively affected, as because of its great tendency to spread. Nevertheless in the Eastern States its ravages are already serious enough. If in Massachusetts, to give one example, the Cattle Commissioners estimate that about 10 per cent. of the cattle would react to tuberculin, it is a matter of urgent necessity to take active steps to arrest the disease, and Massachusetts is apparently not the State in which the cattle are most involved. With cattle, as with man, it may be laid down that the more existence is indoors, the less life is led in the open air, the more susceptible are the individuals to this disease. There have been numerous cases in the Eastern States in which every member of a dairy herd has been found a victim of tuberculosis; on the other hand the Western ranch herds which live almost entirely, if not wholly in the open, are with rare exceptions exempt.

But if the conditions in the States to the south of the border are the same as they are in Canada, then the disease is extending westwards, for Dr. Chown, of Winnipeg, calls attention to its beginning ravages in Manitoba. What we have to recognize is that once tuberculosis gains a hold among the beasts in any country it spreads with what I may truly term appalling rapidity. Let us take the case of Denmark. There, according to the records, in 1789, the disease was practically unknown except by name, in 1818 it was noted as being extremely rare, in 1840 it was rather extensively intro-

duced in cattle imported from the neighboring State of Schleswig-Holstein, and in 1850, ten years later, it had spread all over the country, so that by the end of the century a census of animals reacting to tuberculin, made by Professor Bang, gave these results—that a total of 5,306 herds contained 98,901 sound animals, to 45,889 that reacted—31.7 per cent., or roughly, out of every three animals one was infected.

This same sinster extension has been equally noted in Germany. As many here know they have in the larger German cities a singularly good system of abbatoir inspection, the carcases of the slaughtered animals being examined and passed or condemned by trained veterinarians. In Leipzig the regulations have been the same and the staff under the same management for many years, and there the statistics are as follows: Taking cows alone, in 1888, 17.5 per cent. of those slaughtered showed tubercular lesions, in 1894 the percentage had risen to 38.6 per cent., in 1895, to 43.51 per cent., and in this last year, taking all cattle, oxen, heifers, cows and bulls, of 22,918 animals slaughtered, 7,619, or 33.24 per cent., were found tuberculous. At the present moment it is estimated that over a large part of Germany more than 50 per cent. of the cattle are afflicted with the disease.

The same history comes to us from Australia. In the colony of Victoria tuberculosis was practically unknown in the earlier part of the century, and in 1895, 15 to 20 per cent. of the cattle slaughtered yielded evidences of the disease. Thus it is that unless active steps be taken, and those without delay, the outlook here is of the gravest.

It may be asked why, if bovine tuberculosis has been known for centuries, is it only of late that it has spread to such alarming extent? The answer would seem clearly to be that the spread is coincident with the greater development of the cattle industry and especially of the ease of transportation. In the old days the movement of cattle was as nothing compared to what it has become during this last seventy years; it is the frequent interchange of beasts and frequent introduction of new and tainted animals into the herds that has wrought the damage, a subsidiary influence being undoubtedly the general attempt to improve the milk-giving qualities of herds by the introduction of highly bred, and at the same time highly susceptible animals.

It is to the commercial and monetary significance of this spread that I would specially draw attention. Affecting the live stock industry, it affects what is far and away the greatest industry of the country. With the colossal development of manufactures and the great growth of your cities during the last few years, and with the increasing migration of the country-born into the towns, we are apt to think that manufactures, and that which is immediatey connected with manufactures, namely, coal and iron mining, take a first place in the commerce of the country. Nothing of the kind. Agriculture easily takes the first place. Only two-fifths of the population of the United States live in towns of 2,500 inhabitants or more, three-fifths live "outside the zone of gas lights and bath tubs," and these three-fifths gain their living from the soil. The invested capital in the live stock industry exceeds that of any other in this country. Take only the case of Chicago, one of the great business centres, not merely of the States, but of the world; it is said on good authority that the business in its stock yards during the past year exceeded the combined other industries of that city by twenty million dollars. Figures like these give us some idea of what the live stock industry means to the country, and help us to realize that anything seriously affecting its prosperity must tell very directly upon the general welfare of the community at large.

Now while in its earlier stages tuberculosis appears to have relatively little effect upon cattle so that the flesh can safely be employed for food and the cows may be employed for breeding purposes, it has equally to be admitted that in its later stages it brings about emaciation, that is to say loss of flesh, it diminishes the milk flow and renders the milk unfit for human consumption. Further it shortens the lives of the affected animals for the dairy, as again for breeding purposes, and in these and other ways renders the animal which it affects, a source of very material loss to the farmer.

As pointed out by Dr. Salmon in his returns of meat inspections made by the officers of the Bureau of Animal Industry, of 8,831,927 carcases examined during the two years, 1897 to 1899, only 7,015 were wholly condemned on account of tuberculosis, or less than one in one thousand. It must however, be remembered that these inspections are almost wholly, or to a very large extent, of western bred and of

ranch cattle in the stock yards, and give us thus but a fraction of what would be the returns for the whole country. The returns for the Eastern States, could they be compiled, would be very different. Still, I am not so much wishing to dwell upon present as upon probable future loss. In Saxony, where from 30 to 50 per cent. of all the cattle killed are diseased, the returns for 27 towns in 1895 showed that tuberculosis was found in 22,758 carcases; of these 5.5 per cent had to be disposed of at a cheap rate, 2 per cent were wholly condemned and destroyed.

What I wish you to consider is the enormous loss that would accrue to this country with its millions of cattle, if only 1 per cent. of the animals slaughtered were the victims of advanced tuberculosis. The prospective loss is so great that this is immediately seen to be a national concern. Now, unless the progress of the disease be arrested we must be prepared to encounter such loss. Scotland is of smaller extent than some of your States, its population and the number of its cattle are less than those of not a few of the States. In 1893, so far as I can gather from various British returns regarding the prevalence of tuberculosis, the number of cattle infected in Scotland must have been less than 25 per cent., taking the whole country as a whole; in fact, probably less than 20 per cent., and yet Wright (Veterinarian Journal, 1893, p. 391) estimated the annual loss to the owners of dairy stock from this cause alone, as being £440,000 (or $2,200,000.) It is losses of this order multiplied many fold that you have to contemplate if bovine tuberculosis be permitted to spread,—losses so great that unless steps be taken now when the disease is not extensively developed—compared, that is, with its prevalence in European countries—the cost of prevention and eradication will be so great that, as is the case now in Europe, the governments cannot undertake effective measures because the cost of anything like an active crusade with due compensation to the farmer would amount to so many millions that such an addition to the Budget dare not be proposed.

Now, in short, is the time to act before the diseases gets "out of hand." And now, I may add, what is necessary to arrest the spread of the disease is but a relatively small expenditure on the part of the different States. It costs Massachusetts about $25,000 a year to pay for the diseased animals

killed, another $25,000 for the general cost of inspection of live stock and farm buildings. I do not say that this expenditure is sufficient for a most active crusade, but undoubtedly, judging by the annual returns from that State, this expenditure coupled with the legislation there enforced with reference to the testing of animals entering the state, the inspection of marketed animals and the voluntary inspection of herds, is bringing about a steady and marked decrease in the prevalence of the disease.

Indeed, everything points to the fact that taken in time the eradication of tuberculosis from a herd or from a district need not be a costly matter either for the individual or for the community. More particularly, the employment of Bang's method of isolation of reacting animals affords us a means of rendering a herd wholly free from disease in the course of from three to five years. Loss it is true there is, but this is minimal to what it was under the earlier mode of killing forthwith every reacting animal. We now know that slightly infected animals, properly isolated, have before them from one to three years of usefulness and profit, either for breeding purposes or for meat production.

It is, I know, difficult to legislate for the future: the danger must be very present in order to stir our governing bodies. But here we have such immediate danger before us and a great future danger looms imminent. It is for the facts here recapitulated and others of like order, to be brought before the public and before your legislators in season and out of season that a national calamity may be averted.

As I stated previously I regard this as the strongest reason to be brought forward at this moment for the crusade against bovine tuberculosis.

Next, as to the second reason adduced, namely the possibility of the communication of the disease from cattle and other domestic animals to man. I state the matter correctly when I say that the majority of those who study this subject thoroughly agree that where there is but a slight and localized disease the danger from eating the flesh of such animals is nil, in countries that is, in which it is the universal custom not to consume raw meat. Only where there is extensive and generalised disease is the whole carcass to be condemned, as indeed we condemn the carcass of any animal suffering from general infection. The matter, however, very

largely reduces itself to this: What is to be our stand and what legislation is to be recommended concerning the employment of the milk of tuberculous animals?

All are agreed from positive demonstration that where there is recognizable tuberculosis of the udder the tubercle bacilli may pass into the milk in countless thousands, nay it is scarcely an exaggeration to say millions, and even where there is no udder tuberculosis, with moderately extensive disease of other organs, our own observations in Montreal, bearing out those of Ernst and earlier observers and being in turn borne out by the recent observations by Kempner and Rabinowitch and others, are to the effect that tubercle bacilli may pass through the mammary gland and may be found in the milk, though these observations are still contested by certain equally good observers like Delepine of Manchester, who have not obtained the same results.

My own opinion is that tubercle bacilli, as I say, may pass into the milk both where there is udder disease and where this is not present, though in the latter case the numbers are apt to be very few.

Two questions now have to be answered which do not necessarily immediately depend one on the other: 1. Is the milk containing, or liable to contain, these tubercle bacilli capable of infecting man? And the other, 2. Is milk containing or liable to contain these bacilli to be used as a food?

The first of these questions I have endeavored to answer in the report already in the hands of the members of this Congress, and my opinion, as it will there be seen, is that such milk undoubtedly can set up infection, more especially in young children and young susceptible individuals. At the same time, very possibly too much stress has been laid upon this possibility of infection, namely, it seems to me from the evidence before us that, while possible, the infection by this means is not so very common.

This is, I admit, an individual opinion. It would be easy to consume a whole hour in putting before you the arguments for and against in this matter of infection by means of milk, and even at the end of that time I would have to confess that it is not possible to arrive at a sure conclusion as to the relative frequency of communication of the disease by this means.

I might point out,for example,that primary intestinal tuberculosis in infants is singularly rare in this country as compared with Great Britain and Germany, and might draw what appears to be—and what I think to be—a sound conclusion, that the lesser frequency of bovine tuberculosis in America helps to explain the difference. But, on the other hand, taking the British and German statistics, it might be urged that German authorities are ranged into two camps, each containing able and thoughtful men—those admitting the relative frequency of primary abdominal tuberculosis and those who deny this.

While admitting that the arguments on the one side are very powerful (you will find them excellently put forth by Dr. Salmon in a recent Report of the Bureau of Animal Industry and by Dr. Ravenel in the May number of the University of Pennsylvania Medical Bulletin), yet much has to be said on the other side. Thus Biedert and Biedert (Berliner klin. Wochenschr. 38, 1901, p. 1177) point out that in the Bavarian Highands, where bovine tuberculosis is common and children and adults employ raw milk and fresh cheese as their main diet, for long months consuming little else, human tuberculosis is not more common than usual and bears no relationship to the extent of bovine tuberculosis in the different districts. And in Great Britain, if we are to judge from the recent article by Armstrong, of Liverpool, (British Med. Jl. 1902, I, p. 1024), the returns of the Registrar General with regard to the infantile mortality from Tabes Mesenterica, upon which so great emphasis has been placed, are absolutely unreliable. I would have to point out that many cases of apparently primary lung tuberculosis may be due to infection through the alimentary canal, but as to the proportion of such cases we can hazard no estimate. The same is true with reference to tuberculosis of the tonsils and lympathic glands. Such tuberculosis obviously originates from the mouth, but tubercle bacilli can reach the pharynx and so the tonsils both through the mouth and the nose, nor have we any justification in saying that the one or the other is the more likely to happen. Scrofulous lymph glands may thus be the expression of either alimentary or the respiratory infection.

Turn each way and no positive conclusions can be reached, we can only arrive at strong probabilities—with these exceptions, namely: that we have a select number of cases in which

no reasoning and reasonable man can doubt that the disease has been directly conveyed from bovine sources to man, either through wounds or through the use of milk. Secondly, that we have cases recorded by Lartigau and Ravenel in which tubercle bacilli resembling the bovine micro-organisms in their cultural characteristics and powerful pathogenic properties, have been isolated from cases of tuberculosis in man.

We are bound to conclude therefore that transmission is possible and does occur and this is more particularly in young children, but how frequently still remains a matter for individual opinion, and while I am still unable to regard the transmission as being as frequent as Ravenel in a recent remarkable address still holds to be the case, I can wholly agree with him in his conclusion, which is "that human and bovine tuberculosis are but slightly different manifestations of one and the same disease and that they are intercommunicable. (That) bovine tuberculosis is therefore a menace to public health; (that) we are not in a position at present to define positively the extent of the danger, but that it really exists cannot to be denied; (that) in the past there has probably been a tendency to exaggeration, but however great this may have been it does not justify any attempt at belittling the risk and it is folly to blind ourselves to it."

I would only add, that in order to retain the confidence of the public in our recommendations, we must endeavor neither to belittle nor to exaggerate, but to place before it the calm clear truth, and that truth is serious enough to incite to action.

This brings me to the final matter, namely, is milk containing or liable to contain these tubercle bacilli, to be used as food? To this there can only be one answer—an unhesitating NO. The public has a right to demand pure milk and to legislate in order to secure such pure milk, free from any pathogenic germs, whether of great or of little virulence. The suggestion that the farmer and the dealer shall be permitted to provide an animal fluid for human consumption in the raw state, gained from diseased animals, is utterly repugnant to all who consider the question for a single moment.

Only I would go further than mere legislation with regard to tuberculosis. I lay down that the community is absolutely justified in demanding milk that is free from contamination

with the germs not of one but of any disease, and more, is justified in demanding that it be delivered as free as possible from fermentative germs also. Those concerned in the supply and distribution of milk must see that it is to their interest as to that of the public to recognize these facts.

For it cannot be too strongly emphasized in connection with the dangers arising from impure milk that it is not from the possibility of conveying tuberculosis that we have most to fear; the great danger from impure milk lies in its liability to set up gastro-enteritis in those drinking it, or in plainer words, acute digestive disturbances, with diarrhoea, especially in young children. I do not know if you appreciate the terrible mortality—one far exceeding that from tuberculosis however produced—which there is among children from six months to one year,, a mortality which can only be put down to the consumption of milk which is crowded with various acid producing and putrefactive germs. Let me give you some statistics from the health reports of this city of New York.

Taking the reports of the health department for the years 1896 to 1899, and taking male children alone, (the notes that I have by me for female children are incomplete), I find that during these four years 913 male infants under the age of one year are registered as having died from all forms of tuberculosis, a total of 1989 children under the age of five years.

Now consider all forms of diarrhoeal disease. These we find are the figures; not 913, but 5,312 male infants under one year died from this cause, *or more than five and a half times as many as died from all forms of tuberculosis combined, pulmonary, abdominal, meningeal, etc.*, while 6553 children under five years died from the same cause as compared with 1989 from tuberculosis.

That this terrible mortality is due to badly kept milk admits of no doubt. I need but point out to you that if on the one hand a pure milk supply be obtained for young children as in St. Helens, England, and sundry French towns, as also here in Rochester and more than one city in America, the infantile mortality immediately drops in an extraordinary degree, as again that it is our practice as physicians the moment we are called to a case of infantile diarrhoea, to stop the use of ordinary milk and replace it by either the Pasteurized or the sterilized article, after the interval necessary to clear

out the intestines, and that if we are called early enough we are fairly sure in these cases to arrest the disease by this simple means.

Badly kept milk,therefore, is a great cause, nay is the great cause of infantile mortality and our legislation should not be directly merely against the employment of milk from animals suffering from the one disease, but should be directed to insure milk that is as free as possible from all forms of contamination. And, as I have urged before, if we introduce such legislation, if we make it an offence to employ the milk of animals suffering from any disease whatsoever, and demand that the number of bacteria per cubit centimeter shall not exceed a certain number, when ready for delivery, then, doing this we shall have removed practically all the dangers from infection by this source. Thus, while we are personally interested in tuberculosis, our endeavors must be directed towards a wider legislation.

THE VETERINARY ASPECT OF TUBERCULOSIS.

BY D. E. SALMON, D. V. M.,

Chief of the Bureau of Animal Industry, Washington, D. C.,
Chairman of Fourth Symposium.

My understanding of Dr. Adami's position is that he believes in the transmission of bovine tuberculosis to man, but he also believes that the danger has been exaggerated, and that the transmission is infrequent, even with children.

The first point in an investigation of this question is evidently to decide whether the disease is communicated at all. The second point, in case it is decided to be communicable, is as to the frequency of such transmission.

We may admit that there are many cases in which infected milk is consumed by children without producing bad results, and at the same time believe that in numerous other cases the disease is communicated. Infected milk may often be fed to pigs and calves experimentally without producing the disease, but we know from clinical observation that tuberculosis is frequently found in calves and pigs where it must have been caused by tubercular milk.

What, in my opinion, misleads those who argue as to the infrequency of the transmission of bovine tuberculosis to children is the contention that in such cases there should be found primary tuberculosis of the intestine. Dr. Adami, for instance, in his "Report Upon Bovine Tuberculosis and Other Matters," made to the Minister of Agriculture of the Dominion of Canada, says, "If thus, calves and swine are liable to be infected by such milk, and the mode of infection is in them clearly recognizable, why is it that we never find the same occurrence in man?" The answer to this is that in calves and swine infected by ingestion, the lesions are generally found in the glands of the head, neck and thorax, and in the lungs. When children are found infected in this

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manner the cases are not included among those likely to be caused by infected food. I have not made as numerous and careful studies of the cases of tuberculosis occurring in swine as is desirable, but judging from the ordinary examinations which I have witnessed, if we insisted upon finding primary lesions of the intestines in these animals as a criterion of infection by contaminated food, we should possibly conclude that this method of infection is almost as rare with swine as with children.

The increase of tabes mesenterica in England and Wales in children under one year, during a period when pulmonary tuberculosis decreased nearly 50 per cent., as shown by Thorne, and the increase of other forms of tuberculosis in Massachusetts and Michigan during a period when pulmonary tuberculosis was likewise decreasing, indicate that there is some difference in the etiology of phthisis and other forms of tuberculosis, which, so far as I am aware, has only been explained on the ground that the latter are caused to a considerable extent by ingestion of tubercular products. And if we admit this is a factor which is to be accepted as causing the difference, then we must admit that such infections are comparatively frequent.

Considering the wide range of animal life which may be infected with the bovine bacillus, from guinea-pigs to monkeys, the bovine bacillus with every species proving more virulent than the human bacillus, it appears to me that we have strong reasons for believing from this fact alone, that the bovine bacillus may also affect man. I know of no other germ virulent for such a wide range of animal life that is not also virulent for mankind. Nearly all investigations show that while the human bacilli in general are less virulent for the lower animals than the bovine bacilli, there are great differences in the virulence of bacilli from human subjects.

Vagedes, Lartigau and Ravenel have each isolated bacilli from human tuberculosis which apparently had the cultural characteristics and virulence of the bovine bacillus. These investigations would seem to prove that the bovine bacillus may cause tuberculosis in man, but in my opinion they do not prove that we should expect to obtain such virulent bacilli in all cases of disease produced in that manner. The bovine bacilli may in some cases retain their original viru-

lence for a considerable time, but in others it appears to me they might be more or less modified and escape identification.

If this view is correct, it is important to take measures to prevent the transmission of bovine tuberculosis, since each case produced in that manner is a spreading point of the disease from which other cases may be produced, and it is not unlikely that with the greater virulence of the bacilli in these cases more secondary cases are liable to occur than from cases in which the human bacillus is the infective agent. All of these observations indicate the importance of adopting measures for guarding against this source of the disease.

The veterinarian is concerned in this question from both the public health and economical points of view. It is a serious matter to have the food producing animals of a country diseased in the proportion found in many parts of the world. And what is most disquieting, we find tuberculosis in its greatest frequency in the herds of pure bred cattle—those upon which we must depend for the propagation of the beef and milk producing stock of the world.

The economical reason has not been sufficient to secure the control of this disease. And, without desiring in the least to exaggerate the danger to the public health, I am convinced that in order to secure the co-operation of the masses, we must show just what this danger is. Theoretically, tuberculosis may be controlled in animals as readily as other infectious diseases. The practical difficulties arise from its wide dissemination and the large number of animals affected.

The veterinarian's difficulties would be greatly simplified and lessened if he could permit the sale of milk from tuberculous animals; because,then,reacting cows might be isolated and held at a profit until they could be sold for beef. Neither public sentiment nor enlightened professional opinion would permit this except in the case of animals in the early stages of the disease—a condition difficult to define by existing methods of diagnosis.

In my opinion, we must first decide as to the importance of controlling this disease in the lower animals; and having reached a conclusion on this point, we must apply the well-known principles of sanitary science as thoroughly as the actual conditions of place and time will permit.

STATISTICS OF THE MORTALITY FROM TUBERCULOSIS IN THE CITY OF XALAPA FROM 1892 TO 1901 INCLUSIVE.

BY LUIS ESPINOSA, M. D., XALAPA, MEXICO.

The synoptical statement appended shows, in concise form, the mortality occurring from tuberculosis in the city of Xalapa from the year 1892 to 1901. It has been compiled from data in the Civil Registry of that city and includes only the deaths that took place in the city proper, ignoring those reported from other places in the canton, as the diagnoses in many such places, having been made by persons unacquainted with medicine, are not to be relied upon. For the grouping of the different forms of tuberculosis, the detailed classification of Mr. Jacques Bertillon, which has been universally adopted with the object of rendering uniform statistics on the causes of death, has been followed. I have preferred the making of a small tabular statement, as being at a glance more easily comprehended than any minute explanation. The statement has been prepared with the greatest possible care and fidelity, but I must observe that it is open to some criticism, since during the earlier years covered, the medical service of the city was somewhat deficient and certificates of death were accepted from persons but little versed in medicine. Besides this, in a majority of cases, the diagnoses were made entirely from the clinical records without recourse to bacteriology, except in a few cases.

As a complement to the statistics furnished, I would mention that the population of Xalapa, according to the census data in the public offices, was 18,168 in the year 1895, and 20,388 in 1900. It has not been possible for me to obtain that of previous years.

It is impossible to say with any precision what treatment for tuberculosis has been employed, owing to the different

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methods followed by physicians. However, in general terms, it may be said that creosote and its derivatives have been most used and, more recently, the cacodilate of sodium with the creosote, not neglecting the well known symptomatic treatment.

The city of Xalapa (State of Vera Cruz, Republic of Mexico) is situated on the slope that descends from the east side of the central table-land to the Gulf of Mexico. It has an elevation of 1,300 meters above sea level and, resting on the declivity of a mountain, is surrounded by luxuriant forests that make its climate moist and rainy. The meteorological conditions of the city, recorded by the Central Observatory of the State, are the following, which I note, taking the average for seven years (1895 to 1901); it not having been possible to take the average of ten years, as the Observatory has not yet been established that long.

Average temperature for seven years, ... 17.8° Centr.
Average maximum temperature for seven years, 32.1° "
Average maximum temperature for seven years, 4.1° "
Average barometric pressure, ... 648.61 m. m.
Average humidity of the air, ... 78.61
Average annual rainfall for seven years, ... 1537.27 m. m.

From the foregoing data, the value of the locality for the treatment of tuberculosis can be determined.

Xalapa, May 1, 1902.

STATISTICAL STATEMENT

Of the deaths occurring from Tuberculosis in Xalapa from the year 1892 to 1901 inclusive.

TUBERCULOSIS.

YEARS	Of the Larynx	Of the Lungs	Of the Meninges	Abdominal	Pott's Disease	Cold Abscess (Absceso frio)	White Swelling	Of other Organs	General	TOTAL	Deaths from all causes	Percentage of deaths from Tuberculosis	
1892	2	35	3	3	.....	.....	.....	4	1	48	749	6.40	
1893	.....	58	.....	5	.....	.....	1	4	....	68	875	7.77	
1894	1	40	4	4	.....	.....	.....	4	.....	53	839	6.31	
1895	1	57	6	3	.....	.....	.....	3	1	71	873	8.13	
1896	1	54	3	3	.....	.....	2	2	.....	65	774	8.39	
1897	4	47	11	4	.....	.....	.....	.....	.....	66	743	8.88	
1898	4	61	10	4	.....	....	.....	2	....	81	909	8.91	
1899	3	77	7	7	1	.....	1	2	3	101	983	10.27	
1900	1	70	1	4	.....	.....	.....	2	3	81	1019	7.94	
1901	3	73	4	18	.....	.....	.....	5	1	104	937	11.09	
	20	572	40	55	1	.....	4	28	9	738			**Percentage for ten years 8.49.**

THE ARMY AND TUBERCULOSIS.

BY CAPT. H. D. SNYDER, ASST. SURGEON U. S. A.
Delegate to the American Congress on Tuberculosis.

To the President and Members of the Congress on Tuberculosis:

With regard to tuberculosis in the Regular Army, I desire to remark that before a soldier is enlisted, he is subjected to a rigid physical examination, and rejected if there is the slightest suspicion of a tubercular taint. It is not necessary that there be active manifestations of the disease. Violet-colored, adherent scars in the cervical region, a flat chest, narrow or elongated thorax, or the condition known as "chicken-breast" are ample causes for rejection, for the reason that military experience has proven that a large proportion of such cases afterward fall a prey to consumption and become a source of weakness to an army. Therefore the men sent from the recruiting depots to the various military stations are as nearly physically perfect as can be obtained. Yet tuberculosis is by no means uncommon in the military service. The report of the Surgeon-General for the year ending June 30th, 1901, gives the rate of admission to sick report from this disease as 4.92 per thousand. Despite the examination, no doubt many men with latent tubeculosis pass the physician, nor is this to be wondered at, for such cases often give no appreciable physical signs. In other instances the disease is, no doubt, contracted after enlistment.

From a number of observations, I have formed the impression that cases developing in the Philippines, unless quickly removed to a temperate climate, are very liable to run an acute course, and pulmonary tuberculosis is a constantly present, much dreaded curse among the natives.

The careful surgeon removes to the hospital every suspicious case of long-continued or persistent cough, and devotes

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his energies to determining whether the trouble is tubercular or due to other causes. Having demonstrated the presence of bacilli, and the case not having improved,one of two methods should be pursued. The soldier should either be discharged from the service for disability, or transferred to the Army Sanatorium for Consumptives at Fort Bayard, N. M. This sanatorium, erected in 1899, is in every respect a model of its kind, where patients receive treatment by the most modern approved methods, in a high, dry region of known reputation. Thus, for the Army I claim that, under the wise foresight and supervision of our Surgeon-General, there has been accomplished, by military order, a large portion of what this Congress is endeavoring to accomplish by l_gislation, viz.: The separation of the infected from the healthy, the removal of the former to one of the most favorable, easily accessible climates in the world, and their treatment in a model sanatorium. The results foreshadow what may be accomplished when this method of dealing with this disease become general, and are fully set forth in the recent report of Major D. M. Appel, Surgeon, U. S. Army, in charge of the Army Sanatorium,—a report of which has been widely published in medical journals, and commented upon editorially in non-professional periodicals, and which will, no doubt, be brought to the notice of this meeting in the regular order of business.

Following the policy adopted in 1899, the Surgeon-General has recently directed Major W. C. Gorgas, U. S. Army, who has gained an international reputation by his successful eradication of yellow fever from Havana, to remain in that city and take up the problem of tuberculosis.

THE EARLY DIAGNOSIS OF PULMONARY TUBERCULOSIS BY ROENTGEN X-RAYS METHOD.

BY MIHRAN K. KASSABIAN, M. D.,

Delegate from the State of Pennsylvania,

In charge of Roentgen Rays Laboratory and Instructor in Electro-Therapeutics in Medico-Chirurgical College and Hospital, Philadelphia; Chairman Medico-Legal Committee of American Roentgen Rays Society; Member of the New York Legal Society; Philadelphia County Medical Society; American Medical Association Etc.

Mr. President, Members of the Congress, Ladies and Gentlemen:

The prophylactic legislation, embracing the social and municipal affairs of tuberculosis, having been carefully and lucidly discussed by my predecessors, I now take great pleasure to further discuss and describe another very important view or point—namely, "the early diagnosis of pulmonary disease by means of the Roentgen X-Rays method."

Briefly, the importance of its early diagnosis has been proven more than once by statistics from the various sanatoriums, in that when diagnosis has been made, treatment is at once instituted, resulting in either arresting the course of the disease, or better still, effecting a permanent cure, thus lowering the mortality rate nearly seventy-five (75) per cent.

Unfortunately, the earliest diagnosis of pulmonary tuberculosis is often delayed or neglected for two main reasons—one, because of the fact that the patient does not present himself sufficiently early enough to the physicians. Second, Because of the fact that the physician who takes charge of the case is often misled by the symptoms, the latter being usually insidious non-characteristic in onset; in fact in the majority of instances the patient does not claim to be sick enough to call the attention of a physician. As just remarked, pulmonary tubercular disease is usually insidious in onset, and the symptoms that the patient complains of are

usually first those of general ill-health, altogether being deceptive both to the patient and the physician. Furthermore, the patient may present himself to a physician, stating the symptoms that he is complaining of, and the physician in turn being negligent or perhaps unskilful, treats the supposed ill-health, symptomatically, failing to reveal by former methods of examination the true cause and nature of the disease. In fact, in many instances the patient is being treated for simple cold, a form of bronchitis, or some other disease, when really the true condition of disease is overlooked, and the tuberculous process being allowed to progress to a final termination, when at last the true nature of the disease is discovered, but, alas, too late for remedial measures to do any good.

I admit that it is a difficult task to make a proper diagnosis of this disease, but still there are certain symptoms characteristic, more or less, of this condition, so much so that when such a symptom, as I will describe below, makes its appearance, it is our purpose to investigate thoroughly the causation, and therefore hope to find the exact trouble, using, of course, the proper means and methods of diagnosis at our command at the present time, including the X-Rays.

The development is very insidious, with increasing dyspepsia and anemia, the loss of appetite, distress after meals, and feeling of general lassitude and weakness, often misleading the patient and the physician for some time, until the occurrence of an irritable heart.

COUGH.—This is one of the essential features of pulmonary disease, though often slight, and even wanting. When present, however, it is slight, dry and hacking, referred to the throat or stomach.

EXPECTORATION.—This is not necessarily characteristic of pulmonary tuercular disease in its incipency, but if there be any material expectorated a bacteriological examination should be made which will clinch the diagnosis, provided the characteristics causal bacillus be discovered. Often, however, this sign or symptom is absent.

HEMOPTYSIS.—Hemorrhage from the lungs may be slight in amount or on the other hand it may be copious and prove rapidly fatal, though hemoptysis is rarely the direct cause of death in this disease. It is most apt to occur dur-

ing the early stages of this pulmonary trouble and usually it is the first clinical symptom which excites the suspicion of the patient.

HISTORY.—Heredity here plays a most important role and often furnishes the examining physician a clue to the exact nature of the disease. The personal history however, surpasses in point of import the family history. Age, occupation, general health, race, and previous diseases as influenza, bronchitis, pleurisy, etc., are all predisposing etiological factors.

TEMPERATURE.—The presence of a slight rise in the temperature in the afternoon or evening, if associated with either local or general disturbance, should arouse strong suspicion, since it would be difficult to overestimate the diagnostic importance of this symptom. Trudeau believes that when any disturbance of the health exists and the evening temperature ranges above 99.5 F. there is almost surely tuberculous disease present in the patient's system.

PULSE.—In the early stage of this disease some observers believe that the pulse rate is quickened and more or less characteristic of pulmonary disease, this symptom usually preceding the appearance of the bacilli in the sputum by weeks and even months.

SPUTUM TEST.—This consists in examining microscopically the sputum for the detection of the bacillus of Koch. Off and on undouted cases of pulmonary euberculosis are discovered in which the test for the bacillus is negative, although the non-discovery of the bacillus in the sputum is not indicative of the fact that there is not present pulmonary tubercular disease. It must be conceded that unless other methods of diagnosticating pulmonary tuberculosis than the demonstration of the tubercle bacillus in the sputum be resorted to, not a small minority of cases would go unrecognized, some for many months, even to the extent of a year, and further some even forever.

TUBERCULIN TEST.—Our expectations have not been fulfilled as a diagnostic agent. The value of this agent has been expounded by some and by others on the other hand it has been condemned.

PHYSICAL SIGNS.—The most characteristic signs of an incipient or early stage of tuberculosis can be briefly sum-

marized, as follows:—Defective expansion (often termed "lagging") as demonstrated by inspection and palpitation, a localized increase or intensification of the tastile fremitus over the normal, enfeeblement of the normal vesicular murmur with prolongation and the elevation of the pitch of expiration. To these signs may be added the characteristic clicking rales characteristic when present, often better brought out by coughing, and when present is almost conclusive evidence of the presence of pulmonary tubercular disease. Percussion may reveal an impaired or deadened note, but this sign is quite unreliable in the earliest stage, becoming more diagnostic, however, as consolidation advances.

After having exhausted all our methods of examination and are still not endowed with a positive diagnosis or conclusion, we are exceedingly fortunate to have at our finger's end a diagnostic agent which is invaluable, as we can "see" wherein and how the diseased condition extends, namely the Roentgen X-Rays.

METHOD OF EXAMINATION BY MEANS OF X-RAYS.—In order to make proper examinations of diseased lungs, it is necessary that the physician in chief or rather the skiagrapher is fully acquainted with the conditions of the normal lung, without this and an experience of quite some time no good results can be accomplished on the part of the examiner. In other words, a certain amount of practice or experience and a thorough knowledge of the fluroscopic picture of a normal chest are essential for the correct as well as successful use of the fluoroscope. There are two methods of examination,namely,fluoroscopically and secondly,skiagraphically. The fluoroscopic examination consists in placing the patient in such a position in front of the Crooke's tube (twenty inches distant) and placing then the fluorescent screen over the chest of the patient. The clothing should have been removed previously over the entire chest so that the sides may be compared with one another. The normal lung appears transparent to the examiner's eye, but when there is a diseased spot in the lung area it is characteristic for him to view a spot of haziness or clouding, as it were. The diaphragm on the affected side can also be viewed to be somewhat lagging or impaired in its movements—up and down during the acts of inspiration and expirotion. The lung

should be viewed with the fluoroscope both at the end of the deepest inspiration and expiration possible,-in order to determine any diseased areas. The patient should be viewed anteriorly first and then posteriorly—lastly the two view-fields should be compared with one another, etc.

Skiagraphic examination refers to the keeping of the shadow, permanently, on sensitive photographic plates.

As to the relative value of the fluoroscopic and skiagraphic examinotion, during my vast experience, since the discovery; in the hospital and my private laboratory, I have been able to show more detail by skiagraphic examination than by fluoroscopic examinotion. I prefer the former method of examination for the simple reason that the time exposure is very short—10 to 20 seconds, during which period of time the patient is requested to remain absolutely quiet, stopping all respiratory movement by keeping the mouth wide open. The full details of technique has been described in my text-book on the "Roentgen Ray," which is in press. I will pass these skiagrams, some of them were already exhibited in the museum; they will explain every stage of tuberculosis. To show the value of X-Rays in *incipient stages* of tuberculosis, I desire to call your attention to the cases of Dr. J. M. Anders, Professor of Medicine, Medico-Chirurgical College, of Philadelphia, which cases I had the pleasure to study with him.

The practical utility of the X-Rays in the diagnosis of incipient pulmonary tuberculosis may be further illustrated by the notes of the following cases that fell under my care:

*The practical utility of the X-rays in the diagnosis of incipient pulmonary tuberculosis may be further illustrated by the notes of the following cases that fell under my care:

CASE 1.—S. H., female, married, age 28 years, cigar-maker, first applied at the outpatient clinic of the Medico-Chirurgical Hospital, June 6, 1899, for treatment. A brother died of acute phthisis. Patient had had some childish disease, but later in life nothing worthy of comment until the outset of the disease for which she sought medical advice. Her illness began with paroxysmal pains in precordia, and his lasted for a considerable period of time. The day previous to her visit, she had expectorated blood, which she states was "coughed up;" quantity of blood was small, brght-red and frothy. The abnormal physical signs were impairment of percussion-note and harsh breathing, with prolonged, high-pitched expiration at right apex; and lack of vesicular quality of the breath sounds, with prolonged, high-pitched expiration at left apex; all signs, however, were less marked than at right apex. Microscopic examination of the sputum gave a negative result. Later, an X-ray

examination showed an abnormal shadow or marked haziness at apex of both lungs, more marked at right, i. e., he apex showed the abnormal signs the more pronounced. (See Fig. 1.)

CASE 2.—P. K., age 29 years, cigar-maker, applied for treatment at outpatient clinic, November 10, 1899. The family history is entirely negative as to pulmonary tuberculosis. Patient escaped childish diseases; he had had typhoid fever one and a half years previously, confining him to bed for ten weeks. Since then has been complaining of persistent gastric disturbance, as evidenced by eructations of gas and dull pains in the epigastrium after meals; there has been some dyspnea on exertion and cardiac palpitation at intervals. A few days prior to his first visit, patient began to expectorate bright-red blood; this was still present. Subsequently there was neither cough nor expectoration. The amount of blood lost did not exceed half an ounce. An examination of the throat and larynx gave a negative result, and the same was true of a physical examination of the thorax, although the chest was of the paralytic or phthisical type. After excluding all the causes of hemoptysis except pumonary tuberculosis, an X-ray picture was made by Dr. Kassabian. This showed commencing consolidation over circumscribed areas on both sides just beow the apices. (See Fig. 2.)

CASE 3.—J. O., age 14 years, errand boy, was admitted to the wards of the Medico-Chirurgcal Hospital, November 13, 1899. Father died, aged 52 years of heart and lung disease. the precise nature of which the patient does not know. One sister is in delicate health. The lad had had the usual diseases of childhood and a severe illness of unknown character a few years since; had always been in delicate health. The present illness began about four weeks before he fell under my observation. The first symptoms complained of were malaise, headache, a slight cough in the evenings and mornings; more or less abdominal pains pain, associated with slight diarrhoea. The evening temperature on admission was on the average about 100 F., but abdomnal pain, diarrhoea and cough had largely subsided. Physical examination showed a paralytic of phthisical thorax, without any other abnormal physical signs. After excluding typhoid fever, atent tuberculosis was suspected, and tuberculin was injected; this was followed by a positive reaction. An X-ray examination was also made by Dr. Kassabian and showed a slight haziness below the left clavicle. (See 1, 12, '01 American Medical Association Journal.)

The value of X-Rays examination is understood by the most leading physicians in this country and the continent, and is in most leading physicians in this and the continent and is in daily use by the majority of the phthisisologists, both in private and sanatoria and hospitol practices. I hope that I have fully demonstrated the value of this method of examination both for diagnostic and corroborative purposes.

THE INFECTIOUSNESS OF TUBERCULOSIS AS ILLUSTRATED IN A SINGLE FAMILY.

BY H. C. FAIRBROTHER, M. D., OF EAST ST. LOUIS, ILL.,

Professor Railway and Military Surgery, Marion-Sims-Beaumont College of Medicine, St. Louis, and Vice President American Congress on Tuberculosis, for Illinois.

The family of C. L., living in East St. Louis, Ill., in the year 1893, consisted of father, mother and seven children. They were of robust German stock, all in excellent health, had practically never had any sickness in the family, and with no history, upon either side, of tuberculosis as the following recital will show:

C. L., age 64; height 5 feet 10 inches, weight 178 pounds; of ruddy complexion and in perfect health, so far as revealed by physical examination, with the exception of a large right inguinal hernia. Father died at age of about 60; cause unknown; mother at the age of 77, of senility. He had five brothers, four living, ages from 60 to 74; all in good health; one dead, age 30, cause unknown, but said to be dropsy from exposure in army. Two sisters, both living; ages 66 and 72; health good. Never heard of any of his people dying of consumption.

Mrs. M. L., wife; died recently at age of 52 of tubercuolsis, during the epidemic in the family. Her father and mother each died at the age of about 60; cause unknown, but she did not believe tuberculosis was a factor. Neither were any of her brothers or sisters, so far as she knew, affected by this disease.

In the month of November, 1893, Herman, the oldest son, aged 25, in robust health, attended a masquerade ball, dressed in calico costume. Upon the following day he was seized with a chill which was followed by what seemed to be an ordinary spell of pneumonia. He did not fully recover from this attack, the cough remaining and the symptoms finally deep-

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ening into well marked phthisis pulmonalis of which he died in April, 1894. During the year 1895, Annie, age 19, and Gerhard, age 21, both developed pulmonary symptoms which increased in severity; Annie dying April, 1897, and Gerhard in June of the same year. During this year of 1897, the mother, and also Clara, age 17, became affected by the disease, the mother dying March, 1898, and Clara in September of the same year, while Katie, age 16, died in July, 1899, of the same affection.

Mary, age 32, and Christine, age 18, are living and, though apparently in good health, each had the pink, pale complexion and the peculiar bright eye that suggested tuberculosis.

Thus, in the short space of five years six members of a bright and healthy family all succumbed to the ravages of this disease.

This family lived in a well-built four-room cottage, where they had resided for the past twenty-five years. The house had no means of ventilation except the windows and doors, which were usually kept closely shut, especially at night, owing to a popular and mistaken prejudice against night air, particularly upon those suffering from disease of the respiratory organs.

All the nursing of the sick was performed by members of the family, one or more remaining in the room with the invalid and sometimes resting upon the same bed with her. The deaths in the family seemed to follow along the line of those doing the greatest amount of nursing. No modern means of prophylaxis or therapeutics were adopted. The writer did not attend this family, but was personally acquainted with all the facts in the case.

The report of this case is given not for the purpose of enlightening this Congress, for it is presumed that its members are harmonious upon the subject of both the infectious and contagious character of tubercular consumption, but, if this Congress is to fulfil its higher mission of spreading enlightenment to the public, and rendering aid to state and municipal authorities with regard to the best means of prophylaxis, it must extend its work in the direction of the accumulation of statistics, and presenting the results of its labors in the most tangible and effective form; therefore, the report of the numerous deaths in this family in so short a time is given, first, because the disease in this instance has no coloring of

hereditary transmission, and second, because it presents in a tangible and impressive manner, the evidence of the infectiousness of consumption. It is true the infectious character of this disease has long since been established in the medical profession. The discovery of its inocculability by Villemin in 1865, and the discovery of the bacillus by Koch in 1882,the growth of the bacillus in culture media, and its power, when transplanted, of producing the disease, fully complete the chain of infective evidence. But it must be conceded, that even in the medical profession, a very considerable number may be found who have not followed this evidence closely, and yet a large number, who, though having followed and admitted the evidence, are lukewarm with regard to its application. So likewise among the general public; while a few have kept pace with the times upon this subject, the great majority are in ignorance with regard to it; and people generally, are much more ready to be convinced by facts, plainly presented to their view, than by the results of scientific investigation. When any great scientific discovery is announced, no matter how vital its importance, the public are very little moved by it, and prefer to give it ample time for trial and criticism. But all life seeks immortality, and any deviation from the normal course which, in a visible manner, threatens death, is fled from with terror. Mankind will flee from a danger which they can see with their eyes, but will not be frightened by any scientific deduction. An instance where a certain disease has produced a terrible havoc in a family, as in the one reported, may cause a temporary fright in the immediate neighborhood, but the effect will only be local. It soon dies away, to be heard of no more; but if a large number of such cases can be accumulated and preserved and placed in concrete form, public interest will be appealed to and a great impetus be given to the execution of prophylactic measures. The ancient and delusive doctrine of the heredity of this disease still holds sway, not only in the minds of the public, but also in the medical profession, to such an extent as to greatly over-shadow the well demonstrated and more vital doctrine of infection. Until public sentiment is more fully imbued and deeply impressed with the idea of the infectious nature of tuberculosis, no effective prophylactic measures can be adopted. It is useless for boards of health, or other State or municipal authorities,

to enact laws unless supported by public sentiment. It is often in vain for the attending physician to urge the practice of modern means of prevention when these may be scoffed at by the family, or even ridiculed by some member of his profession. It is, therefore, by the presentation of the more striking illustrations of the dangerously infective character of this disease, that education will be disseminated, and a sentiment aroused that will aid the medical profession and boards of health in the adoption of measures of prophylaxis that will, at least to some extent, limit the fearful devastations of this insidious enemy of the human race, which like.

"Impartial Fate,
Knocks at the cottage and the palace gate."

TUBERCULOSIS IN THE ARGENTINE REPUBLIC.

BY DR. SAMUEL GACHE,

President of the Argentine League against Tuberculosis, Laureate of the Institute of France, Graduate of the Faculty of Paris, Specialist in Obstetrics of the Hospital Rawson, in Buenos Ayres.

The Argentine Republic has to-day a population of five million inhabitants, and out of this number, tuberculosis kills annually from eight to ten thousand people.

The repartitions of mortality of tuberculosis in the different cities of the Republic is very unequal, as it is easy to be seen by the following tables:

City of Buenos Ayres 10 per cent. of the general mortality; La Plata 8; Santa Fe 10; Parana and Uruguay 8; Corrientes 12; Cordova 8; San Luis 7; Mendoza 8; San Juan 6; Rioja 5; Santiago del Estero 9; Catamarca 4; Tucuman 7; Salta 6; Jujuy 4; Rosario 7.

Let us see particularly what is going on in Buenos Ayres where the population is now at 850,000 inhabitants. All the causes which bring on tuberculosis are to be found, as in every large city: alcoholism and misery; agglomeration and bad alimentation; in one word, every circumstance that favors contagion.

To prevent the diffusion of the malady, the general supervisors of Public Assistance have adopted, and institute every day all measures advised by experience: isolation, dimunition etc. By considering the mortal statistics of Buenos Ayres, we see that tuberculosis has during these last years caused the following mortality:

Read before the American Congress on Tuberculosis, at New York, June 3, 1902. Translated by F. T. Labadie, M. D., of New York.

Years.	General Mortality.	Mortality by Tuberlucosis.
1870	5,886	495
1871	20,748*	274
1872	5,671	597
1873	5,891	755
1874	7,190	685
1875	6,754	850
1876	5,297	783
1877	5,598	716
1878	5,550	756
1879	6,793	776
1880	7,073	774
1881	4,316	782
1882	7,196	808
1883	8,601	982
1884	8,242	1,053
1885	9,295	1,017
1886	9,994	863
1887	12,084	1,041
1888	12,367	1,067
1889	14,736	1,245
1890	16,417	1,168
1891	13,014	1,024
1892	13,341	1,078
1893	13,000	1,245
1894	13,702	1,283
1895	14,947	1,166
1896	13,645	1,268
1897	14,126	1,681
1898	13,533	1,688
1899	13,567	1,667
1900	16,504	1,898
1901	15,807	1,675

*Epidemic of Yellow Fever which caused 13,762 deaths.

The proportion of mortality by tuberculosis is the following in 10,000 inhabitants:

Years.	Mortality by Tuberculosis by 10,000 inhabitants.	Mortality by Consumption by 1,000 general deaths.
1892	19.1	79
1893	19.0	85
1894	19.7	87
1895	17.2	78
1896	17.8	91
1897	19.1	99
1898	19.4	110
1899	14.9	88
1900	17.0	84
1901	19.8	106

The city of Buenos Ayres has 24 large hospitals, of which 5 are foreign; it has another one exclusively adopted to the treatment of infecto-contagious diseases, and to-day a special one for consumptives is being built.

Isolation, disinfection, the construction of sewers, an abundant provision of pure drinking water, and some other

public sanitary measures have reduced the amount of the general mortality of Buenos Ayres to 19 per 1,000 (one thousand), and it will certainly fall to 18 and 17 in a short time.

In this city the league against tuberculosis in the Argentine Republic has been formed, with its sub-committees in the principal cities of the interior.

This league makes an active propaganda in favor of prophylaxy; it has started popular lectures, it publishes a monthly review which is gratuitously distributed by thousands of copies, and lately it has sent all over the country millions of popular instructions and catechisms against tuberculosis and alcoholism.

Besides, it has asked from the Congress the necessary authorization to have every year a lottery, the proceeds of which will be dedicated to the erection and the maintenance of a popular sanatarium for poor people. It has also established a dispensary on the basis of that of Calmette of Lille.

In the Cordoba mountains there is a special sanitarium for consumptives, and at Mar del Plata there are two asylums for weak and tuberculous children.

Buenos Ayres, March 30, 1902.

TUBERCULOSIS IN INDIANA.

BY T. HENRY DAVIS, M. D., OF RICHMOND, INDIANA,

Vice President of the American Congress on Tuberculosis for Indiana, and ex-President State Board of Health of Indiana.

The death statistics for 1900 and 1901 are satisfactorily accurate, and the figures for those two years only are therefore presented. The following table shows the deaths from all forms of tuberculosis for the two years named:

Tuberculosis of	1900		1901	
	No. of Deaths.	Death Rate per 100,000	No. of Deaths.	Death Rate per 100,000
Lungs, - - - -	3364	133.6	4169	163.5
Meninges, - - - -	173	6.8	153	6.7
Peritoneum, - - -	109	4.3	187	7.4
Skin, - - - -	....	....	....	....
Other Organs, - -	127	5.0	60.	2 4
General, - - - -	872	34.6	79	3.1
Total Tuberculosis Deaths,	4645	184.3	4648	179.7
Total Deaths from all causes,	35,516	Per 100,000 142.0	36,544	Per 100,000 145.2

It appears from the above figures that in 1900, 13.07 per cent. of all deaths was from tuberculosis, and in 1901 the percentage was 12.55. Or expressing the conditions in another way, tuberculosis caused one in every 7.6 deaths in 1900, and one in every 7.9 in 1901.

The next table shows the deaths by months for the two years.

Months	1900			1901		
	Pulmonary	Not Pulmonary	Total	Pulmonary	Not Pulmonary	Total
January, -	300	117	417	368	20	338
February, -	300	122	422	390	49	439
March, - -	318	136	454	388	42	420
April, - -	339	116	455	408	40	448
May, - -	266	139	405	378	39	417
June, - -	301	93	394	310	37	347
July, - -	244	138	382	349	44	393
August, -	271	121	392	354	49	403
September,	212	131	343	266	43	309
October, -	274	92	366	302	47	349
November,	248	68	316	321	35	356
December,	291	108	399	335	34	369

In both years, April shows the most deaths from pulmonary tuberculosis, and the total deaths from all forms of tuberculosis are also greatest in April. September shows the least number of deaths from the pulmonary form in 1900, and October the least in 1901.

The third table shows the deaths for the two years from pulmonary tuberculosis by ages.

PULMONARY TUBERCULOSIS BY AGES FOR THE YEARS 1900 AND 1901.

Ages...	0	1	2	3	4	5–10	10–15	15–20	20–25	25–30	30–35	35–40	40–45	45–50
1900...	43	13	9	3	3	31	59	318	543	491	338	289	252	199
1901...	76	35	14	12	7	28	84	389	676	559	490	356	287	223

Ages...	50–55	55–60	60–65	65–70	70–75	75–80	80 and over	Unknown	Total
1900 ..	158	155	131	113	92	50	29	45	3364
1901...	174	166	182	148	105	73	39	46	4169

This table shows that deaths from tuberculosis begin to rise rapidly at 15 years of age, and reach a climax at 25. From 25 to 30 it is almost equally destructive and begins to decline at 45. The fact that the disease causes the most deaths from 20 to 25 indicates that school life, which is just ofer, is a causative factor. Foul air being the first and greatest cause of consumption, and as so many school rooms have foul air from lack of ventilation, it seems reasonable to believe that the schools play a not insignificant part in producing consumption.

There is no State hospital or sanitorium for consumptives in Indiana. The facts and arguments for such an institution are overwhelming. There are 1013 townships and 95 poor-houses in the State. There is an average of two consumptive patients in each poor-house, a total of 190. On the average there is one consumptive in each township being cared for by township relief. At the lowest estimate, therefore, there are 1200 consumptives being cared for all the time in Indiana. Every one of the patients will die, will be buried at public expense, and will infect the house he occupied. If the deceased is a parent, children will almost certainly be left to be cared for at the public expense. If all of these were cared for at a State sanitorium, 25 per cent. would be cured and preserved to their families.

As to sex, the pulmonary tuberculosis deaths are divided as folows: Males, 1705, females, 2464. The percentages are, females 59 per cent.; males 41 per cent. Of the females who died of pulmonary tuberculosis in 1901, 1,353 were between the ages of 15 and 35; 82 per cent. were mothers. Counting an average of two children to each one, there was, therefore, produced by tuberculosis in 1901, 2,218 orphans, and many of these have become public charges. This phase of the tuberculosis question is certainly most important, for the unnecessary making of orphans is bad business.

IS TUBERCULOSIS A DISEASE OF ENVIRONMENT ONLY?

BY HENRY MCHATTON, M. D., MACON, GA.,
Vice President of the American Congress on Tuberculosis.

In this paper it is proposed to show that considerable numbers of individuals of the Caucasian, Asiatic and negro races have been practically immune from this disease under certain surroundings, whereas under other conditions they have been its victims in large numbers.

Prior to 1860, a vast majority of the negroes in the Southern States and in Cuba lived on plantations. These plantations were to all intents and purposes isolated communities of from one hundred to five hundred inhabitants. The negro quarters were invariably placed in the healthiest available spot, the houses usually consisted of two rooms and were never over-crowded, each room had its open fire place, and fuel was abundant—thus the best ventilation was secured all the year around. There was ample air space between the houses, and the quarters always had an abundance of shade trees. On account of the climate, most of the idle time was spent out of doors. Absolute cleanliness was enforced in and around the quarters. Each house, whether wood or brick, had its coat of white-wash inside and out, three or four times a year, and oftener if any disease threatened. Communication between plantations was not encouraged, and when any disease became prevalent, absolutely prohibited. The water supply was always a source of solicitude, and the best obtainable secured. All innocent amusements, so dear to the heart of the African, were not only permitted but encouraged. Dissipation of all types was prohibited, and under the existing conditions, this prohibition could be easly enforced. There was no mental solicitude, no competition in the ordinary sense, nad no care for

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the future. Work was never excessive, always in the best hygienic surroundings and of the healthiest type, also in proportion to the age, strength and sex of the individual. Food was cooked in the plantation kitchen, abundant, nutritious and well prepared. Clothing was always sufficient and in accordance with the seaosn. As soon as a woman was over her lying-in period, the infant was transferred to the nursery, where it was only nursed at regular intervals, and fed according to its age. Each negro reported in the morning, sick or well; if sick, he went to the infirmary. The doctor visited each plantation once or twice a week, and was called in any emergency. Thus each negro was under constant medical supervision.

In Cuba the arrangement of the quarters was different, they being on the type of the old Spanish barracoon. All other surroundings were practically the same as in the South. On all plantations early to bed and early to rise was the rule, with a long mid-day rest and meals by the clock. Among the very small percentage of negroes who lived in the cities, the plantation rules were carried out as far as practicable. I can state without fear of contradiction that no race of human beings ever lived as healthy a life as the plantation negro in the South. Tuberculosis was practically unknown. I was born on a plantation in Louisiana, and lived on plantations in the South and in Cuba until I was twenty-three years old, and never saw a tubercular negro.

Freedom came. The entire proposition is reversed. They flock to the cities with about as much capacity for self-care as children; hard work, inadequate clothing, poor food, poor houses, over-crowding in insalubrious localities, no attention to the most elementary laws of hygiene; all the mental cares and solicitude that freedom brings. Scant wages, spent in the lowest and most degrading vices at the sacrifice of absolute necessities, irregular hours, with practically no medical attention, or care in sickness. To-day the town negro in the South is probably the most tubercular being in the United States.

It is nothing unusual in my practice to see entire families wiped out. In 1900, twenty-one per cent. of the total negro mortality in Macon was from tuberculosis.

About 1860, Spain entered into a Coolie contract with China. Under this contract, about two hundred and fifty thousand Chinese were imported into Cuba in the '60's and '70's,—the vast majority going to the plantations where they were put under the identical surroundings of the negro.

These Coolies were all men ranging from eighteen to thirty years of age. They were the scum and off-scourings of the cities—principally Canton and Macao—bringing with them the city diseases as well as the city vices, for which China is noted. For obvious reasons, both vices and diseases could be rapidly controlled, and these men were soon put in nearly as good a physical condition as the negro. There was always, even with the most careful selection, a fair per centage of tubercular cases in each gang of Coolies. I can safely say that within the first year this was eliminated either by death or cure. After that there was no more development of the disease. The half breeds from the mixture of the two races, of which there was a large number, were equally immune.

About 1790, there landed at Trujillo, on the Carribean Sea, a party of Spanish emigrants. This party consisted of members of ten families of the Spanish nobility,—families who were so tuberculous that they decided to emigrate rather than become extinct. They worked their way in the course of time across Central America and settled on the Pacific slope, not far from Tegucigalpa, and at an altitude of about twenty-five hundred feet, in probably one of the most even and healthy climates in the world. They have always been purely agricultural and pastoral. Even to-day, there is not a road leading to this colony—nothing but trails, and it is a journey of days to reach them from the nearest port. Their village is built in accordance with the climatic requirements. They hold themselves far above the surrounding Indians, and there has been practically no inter-marriage between them and their neighbors. They present the purest strain of Spanish blood in America.

The Indians, ten or fifteen day's ride from this colony, never fail to speak of it—always as "El pueblo de los blancos," the village of the whites,—and to extol the physique and endurance of the men as well as the beauty and virtue of the women, which opinion the few specimens that I saw, fully upheld.

The history of these people was given me in a personal interview by Don Torencio Sierra, President of Honduras, and a most highly educated gentleman.

Dr. O. B. Hunter, of San Pedro Sula, a graduate of Tulane University, learning their history, became so much interested in them that he spent some time in their village with the sole object of learning their present condition. He met some of the children of the original emigrants, now old men and women, who in every way corroborated the above history.

Dr. Hunter informs me that they are the finest race of people in Central America. After careful inquiries, he could get no history of tuberculosis for a long period back, and at present none of them give physical evidence of this disease in any of its numerous forms.

In direct contrast to this I have under my care a family of five children, ranging from fifteen up, all tubercular, with the following family history:

Father and mother physically perfect. Paternal grandfather 82, goes to his work daily at 4 A. M. Grandmother 80, does her own housework and keeps no servant. Two aunts over 45, healthy. Maternal grand-father 83, farmer. Maternal grand-mother died young of an acute disease. No other children on the maternal side.—a remarkably good family history. All of these people excepting the children in quetsion, have led and are leading healthy and active lives. The father in early married life was placed in easy financial circumstances, built himself a modern house, and brought up his children in the usual modern manner: balls, parties, most assidious avoidance of all viccissitudes of the weather, late to bed, late to rise, nervous system hypercultivated at the expense of the physical, no rational exercise, no duties to perform; in fact, the complete history of such children so familiar to us; no known source of infection, excepting such as all city dwellers are exposed to daily. It is probably unnecessary to multiply examples.

What would be the rational deduction from those already cited? The negro of the South, practically all Creoles, and a non-tubercular race, changed in a scant forty years to probably the most tubercular race in our country. This by a change of environment only, which change did not even include that of climate.

The Chinese Coolie, a most debased subject, with as large a per centage of tubercular cases as would be found in the same number of people from the slums of this city, rendered by change of environment non-tubercular, which immunity extends to his half-breed children.

More remarkable still the Spanish colony in Honduras. This is not a matter of personal observation, but facts obtained on the best of authority, and of which there seems to be absolutely no question.

Ten families, probably closely related, leaving their own country only on account of tubercular infection—an isolation of more than a century—necessarily a continuous inter-marriage, and resulting in a superior non- tubercular race.

The American family mentioned need not be commented on. It is so common that all of you have seen examples.

Gentlemen, again I ask the question: Is tuberculosis a disease of environment only?

THE IMPORTANCE OF EARLY DIAGNOSIS OF TUBERCULOSIS.

BY J. RUDIS–JICINSKY, A. M., M. D., M. E., CEDAR RAPIDS, IA.,

First Secretary of the Roentgen Society of the United States; Member of the International Congress of Medical Electrology and Radiology, Paris, France; Member of the American Medical Association; Member of the Third Bohemian Medical Congress, Prague, Bohemia; Western Surgical and Gynecological Association; Tristate Medical Society; Iowa Medical Union, &c.

BREHMER—"Tuberculosis Primis in Stadii Semper Curabilis."

Those who have observed the progress of events in medicine and surgery during the last decade fail to have been impressed with the remarkable developments and achievements by which it has been attended, especially in the domains of the electrology and radiology. The applications of the X-rays in tuberculosis, the disease most dreaded, are but few examples of the contributions to knowledge, the knowledge so important, especially in early diagnosis. The progress due to constant work, experimentation and research, has signalized the closing years of the century; the spirit of research having, in fact, now become so diffused as to have penetrated into almost every department of science, knowledge and human activity.

The usefulness of the X-rays in tuberculosis may be divided in five main divisions: 1. The early diagnosis of tuberculosis pulmonalis, tuberculosis of the bones, of the joints; tuberculosis of the glands, and other parts and organs of the human body. 2. The treatment of tuberculosis of the skin, lupus vulgaris. 3. The treatment of tuberculosis pulmonalis in the early stage. 4. The treatment of the tuberculous affections of the joints. 5. The treatment of the other tuberculous conditions in other parts. The early diagnosis of tuber-

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culosis pulmonalis, and the absolute cure of some cases of lupus with the best results, are things which cannot be disputed any more. The other subjects are still in infancy, and not beyond the experimental stage.

Keeping in mind that a very large proportion of those affected with tuberculosis may recover their health under proper treatment,varying perhaps,in each individual case, or their life may be prolonged, if the diagnosis is made in time, we will find in the application of the X-ray, with the other methods of examination, a great help to us, and sometimes the only means to detect the beginning of tuberculosis in the lungs with isolated foci of the infection, and the bones or joints with the slightest deviation in the structure. We may see with our fluoroscope the actual movements and changed positions of the lungs of our patient, observe the translucent and healthy tissue in comparation with the shadows of infiltration or consolidation, see that the diaphragm does not become flatter in consequence of its contraction with each inspiration, or that the lungs are not even at the end of expiration in a stretched position, according to the physisiologic dictum. We may differentiate glandular enlargements, see if they are tubercular, observe the actual movements of bones composing the joints, bones themselves, and compare the normal shadows with the uneven shadows of the diseased bone. We may make out the sensitiveness of the rays to the presence of any earthy salts in the cartilages, study the epiphyseal lines between the shafts of bones and detect any variation or pathological condition before the knife, and the naked eye could ever do it. In these and similar cases, the skiagraph is not only an adjunct to other methods of examination, but the only reliable means to make the proper, correct and early diagnosis.

The physician has ever been on the alert to find the beginning of tuberculosis in the lungs or other parts. He could not make out the isolated foci and nests of the bacillus in the lungs with the stethoscope, the percussion hammer, or even his valuable microscope, which in the later stages may give absolute proof or may not, in regard to the lession in the lungs. The tubercular nodules in the bone structure, when beginning to form, any transparency at some places, or light and dark lines in any direction, irregular marrow

cavity, shaft showing depressions, projections or elevations, isolated cairies, necrosis if central, peripheral or total, separation of epiphyses, pyarthrosis with abscess or not, deformity or anchylosis with softening or fatty degeneration with all the destruction of the tissues, may be located with help of the X-ray very easy, right in the start and without any discomfort to the patient, thus recording size, degree, position, relation not only of isolated foci of infection on one side, but destruction on the other, giving the whole areas diseased right before our eyes. The importance of such early diagnosis in these days of improved treatment of tuberculosis in general, can hardly be overestimated. Naegeli divides his 217 cases of non-fatal tuberculosis in 74 cases of active disease, 111 healed cases, and 32 which he regards as uncertain. One hundred and eleven cases out of 217 were healed, and this information about the curability of tuberculosis pulmonalis comes directly from the post-mortem room, the only tribunal for definite and possible determination.

Of the diseases now known to be dependent upon the presence of some species of bacteria, none is of so much interest to the physician as tuberculosis. It wages both open and clandestine warfare, and claims its hundreds of thousands of victims every year in this and other countries. How long is it that we were able, aided by autopsy and microscope to fully comprehend the fearful extent of its ravages? In 384 autopsies of children who died of acute infections in a hospital in Copenhagen in 1894, 198 showed undoubted evidences of tuberculosis. (Statistic Danske, 1895.) Such status presents itself also in this country, especially in the larger cities. We know that tuberculosis affects more individuals than any other form of infectious disease, for it has been roughly estimated that out of every five deaths from all other causes, one is due to this. We know that tuberculosis is contagious. We know that it is hereditary in some instances and due to bacillus tuberculosi; that a weak body is more liable to the infection; we know how the bacillus is introduced into the body, how it spreads, how many forms and stages we have in tuberculosis pulmonalis; what changes take place in tuberculosis of the bones and joints, glands and other organs of the body. We know also how to discover and prepare the bacillus for examination in later stages of

the disease. We have many methods of treatment—some ne plus ultra—and the result that the so-called specific treatment with tuberculin or other serum, hydrotherapy, hygienic and climatic treatment, with environment of the patient, radiotherapy, etc., are, so to say, worthless when applied too late, when the disease itself was not recognized right at the start and treated accordingly.

At the twelfth triennial meeting of the International Medical Congress held at Moscow, Russia, "Tuberculosis" received a larger share of attention than any other subject, same at the International Congress in Paris, France, and, if I am not mistaken, Professor Hlava, well-known in pathologic anatomy, from the Bohemian University of Prague, with other prominent men, during the interchange of experiences from every country and clime on the globe, pointed out the necessity of early diagnosis, if the treatment itself should be of value.

Since the X-rays began their triumphant march throughout the world our means of diagnosis, not only in surgery, but in medicine, have been greatly enlarged, and some of our methods of treatment changed wonderfully. And to-day, we know that in the Roentgen rays, the fluoroscope and skiagraphy, we possessed accurate agents for diagnosticating tuberculous changes in various stages in the different tissues of the human body, and in the lungs we may show the disease to be more extensive in some cases than had been mapped out by physical examination. The localization of diseased areas in the lungs is now brought within the reach of every surgeon, who has hitherto been hampered in his attempts at lung surgery by often misleading nature of physical signs.. (Walsh) Same with the bones in coxalgia for instance, and other lessions of tubercular origin.

To make a proper diagnosis and proper interpretation of the shadows cast upon the plate of the fluoroscope or in the skiagraph requires great experience, and the production of the shadow must always be relegated to those who are experts in this line. We must not be discouraged by the fact that skiagraphs which seem unsatisfactory to the ordinary observer, are readily explained and interpreted by the expert who tries to confirm his X-ray findings with all the other

methods of examination combined, comparing in each individual case the normal parts with the abnormal.

In incipient tuberculosis of the lungs we have to remember before an X-ray examination of the chest is attempted, that the normal lungs are transparent, giving an outline of the organ, but not a shadow like the bones, muscles and thickenings of the pleura, or those places of the lung-tissue which are not active during expiration. The observation during inspiration, when the lungs are distended, gives the best results in our examinations, especially if we remember that restricted diaphragmatic movements with two voluminous lungs coupled, as Rokitansky said long ago, with a small heart are suspicious, and with a slight haziness here or there in the lungs may be the proofs of tuberculous infiltration, or the beginning of phthisical habitus. This haziness may or may not be accompanied by dullness, but will enable us to recognize more fully and accurately the degree, position and relation of the parts diseased. In tuberculous consolidation we get decided shadows, and cavities show like circumscribed spots of bright reflex with irregular lines around, extent in direct relation to the comparative density of the shadows thrown upon the plate of the fluoroscope. They may be located also in the midst of an area of dense shadow. Slight haziness over small spots, clearly defined, are isolated foci of infection. Healthy tissue of the lungs allows the X-ray to pass freely, and thus the record of the location and size of the foci. Any cicatricial spots in the lobes of the lungs, or calcarious deposits will show, and the destruction of the lung tissue or repair may be observed during the treatment, and a valuable graphic record of events can be preserved in the shape of a series of skiagraphs, or of charts, mapping the results of periodical fluoroscopic or screen examinations. If we do not need a picture it is only necessary to take to our help Rollin's "seehear," a combination between a screen and a stethoscope, having also a sound chamber. This instrument has the advantage in hearing the sounds in the chest of the person examined, while the organs are under inspection with the X-rays.

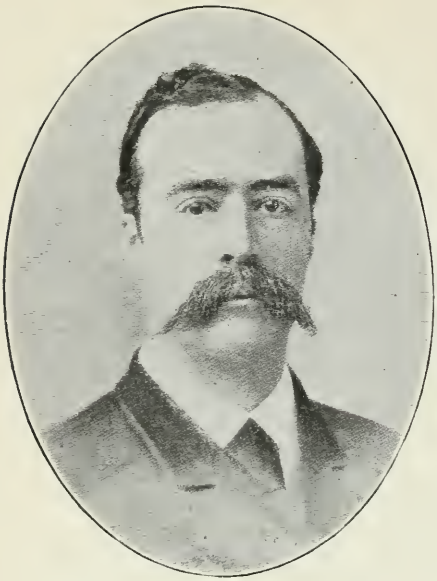
Capo considers radioscopy as valuable as percussion and auscultation in the diagnosis of incipient pulmonary tuberculosis, but I would not depend always on all the shadows seen,

taking in consideration that in X-ray examination a slight shadow may be seen, espeically at the right apex of the lungs, and in 50 per cent. of cases to mean absolutely nothing. We have to diferentiate the shadows of the muscles of the shoulder, the shadows of the vertebral borders of the scapulae, or occasionally in a muscular subject the shadows of the serratus magnus or the spinal column in every individual case, remembering that a lung not distended to its full capacity, may offer some resistance to the rays, and cast a shadow, the condition being normal. Experience is the only teacher, and the shadows of the clavicles and the ribs during inspiration, the best guides in chest examinations, which have to be done thoroughly and all over the field. The X-ray is also important in revealing glandular tuberulosis, and in this disease is a powerful means of studying function, showing the arhytmic tachycardia, the arhythmic and unsymetric excursions of the diaphragm, which does not rise to the same height on the sick as on the healthy side. On the other hand, it reveals the small size of the heart in the tuberculous patient, due to a true atrophy, and the reason for the difficulty, as same author states, of performing percussion which lies in the narrowness of the intercostal spaces and the conical form of the chest, the ribs over-laping like roof tiles. We may also observe the enlargement at the inflection of the external extremity of the clavicle, and the changed position of the scapula with the greater extension of the heart toward the lines of Traube and Friedreich on the right side, showing a compensatory insufficiency of the tricuspid valve, ventricular hypertrophy on the right.

While the death rate of tuberculosis in the past has been appalling, we feel that with the X-ray we will arrive in the near future, perhaps at a better period of its history, when the early diagnosis is made possible, and the proper treatment will begin at such a stage, when the victim is possessed of sufficient vitality or physical resistance to enable the system to rid itself of germs of the disease. The employment of the X-ray in every doubtful case, with all the other precautions and methods of examination, is not only necessary, but very important, because the fact that tuberculosis is a curable disease is no longer a tenet requiring defence or clinical evidence. This is a practical question, which, with

practical tests, will show whether we have finally found the weapon against the baneful scourge, and can put an end to the spread of the terrible and deadly contagion.

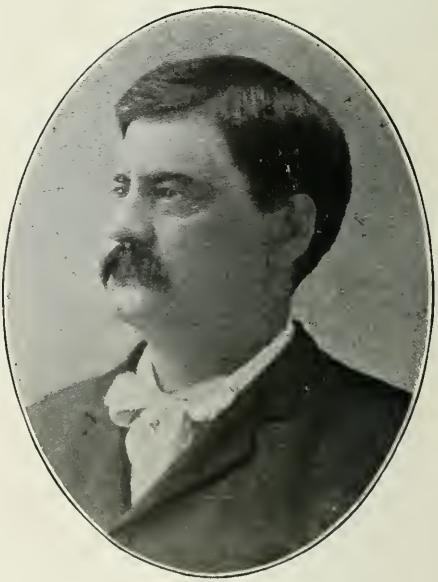
Let us have a number of laboratories, establishments and research rooms in every reputable college, hospital, etc., where this work may flourish under the supervision of an honest and capable X-ray worker, sanatoria, public and private, which would do a world of good by curing the curable tuberculous cases, and taking care of the hopeless ones, thus diminishing the countless centres of infection.



HON. HENRY A. GILDERSLEEVE.

HON. HENRY BISCHOFF, Jr.

HON. FRANCIS M. SCOTT.



HON. CHARLES HENRY TRUAX.

NEW YORK SUPREME COURT.

Judges of the First Judicial District of the City and County of New York.

1902.

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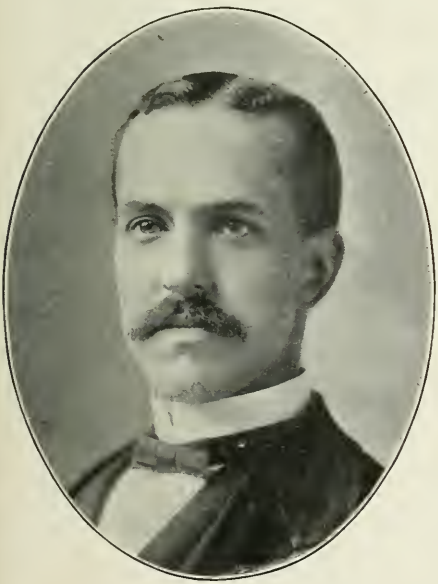
HON. JAS A. ELAI CHARD.

HON. LEONARD A. GEIGERICH.



HON. P. HENRY DUGRO.

HON. JAMES E. O'GORMAN.

NEW YORK SUPREME COURT.

Judges of the First Judicial District of the City and County of New York.

1902.

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SUPREME COURT.

SUPREME COURT OF NEW YORK.

BY CLARK BELL, ESQ.

THE PRESENT JUDICIARY SYSTEM IN THE STATE OF NEW YORK.

Article VI of the New York State Constitution relates to the Judiciary of the State.

Sections 1 to 13, both inclusive, as amended to the year 1902, define the powers, duties and compensation of the Judges of the Supreme Court of the State, and the Court of Appeals. The Sections are as follows:

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law, not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional justices who shall reside in and be chosen by the electors of the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said Justices shall be chosen by the electors of their re-

spective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the justices to be thereafter elected in the districts so altered.

Section 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the County of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof. There shall be an Appellate Division of the Supreme Court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appelate Division in each department; and he shall designate the presiding Justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office if less than five years. From time to time, as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the Appellate Division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the Appellate Division, or in case the presiding Justice of any Appellate Division shall certify to him that one or more additional justices are needed for the speedy

disposition of the business before it. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments, at a meeting called by the presiding Justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No Justice of the Appellate Division shall exercise any of the powers of a Justice of the Supreme Court, other than those of a justice out of Court, and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter. The Justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial terms therein, and to assign the Justices in the departments to hold such terms; or to make rules therefor.

Section 3. No Judge or Justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any Court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

Section 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor shall fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 5. The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the offices of the clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The Judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the term for which they were elected or appointed, be Justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively and shall be the same as the salaries of the other Justices of the Supreme Court residing in the same counties. Their successors shall be elected as Justices of the Supreme Court

by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished, shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such Justice or Justices as the Appellate Division in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

Section 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such Courts shall be transferred to the Supreme Court, for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

Section 7. The Court of Appeals is continued. It shall consist of the Chief Judge and Associate Judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors who shall be chosen by the electors of the State. The official terms of the Chief Judge and Associate Judges shall be fourteen years from and including the first day of January next after their election. Five members of the Court shall form a quorum, and the concurrence of four shall be necessary to a decision. The Court shall have power to appoint and remove its reporter, clerk and attendants. Whenever and as often as a majority of the Judges of the Court of Appeals shall certify to the Governor that said Court is unable, by reason of the accumulation of causes pending

therein, to hear and dispose of the same with reasonable speed, the Governor shall designate not more than four Justices of the Supreme Court to serve as Associate Judges of the Court of Appeals. The Justices so designated shall be relieved from their duties as Justices of the Supreme Court and shall serve as Associate Judges of the Court of Appeals until the causes undisposed of in said Court are reduced to two hundred, when they shall return to the Supreme Court. The Governor may designate Justices of the Supreme Court to fill vacancies. No Justice shall serve as Associate Judge of the Court of Appeals except while holding the office of Justice of the Supreme Court, and no more than seven Judges shall sit in any case.

Section 8. When a vacancy shall occur otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment. If any such appointment of Chief Justice shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the Court shall not be suspended for want of appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions of special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any Department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this Section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

Section 10. The Judges of the Court of Appeals and the Justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people shall be void.

Section 11. Judges of the Court of Appeals and Justices of the Supreme Court may be removed by concurrent reso-

lution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except Justices of the Peace or Justices of inferior courts, not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

Section 12. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of Judge or Justice of any Court longer than until and including the last day of December, next after he shall be seventy years of age. No Judge or Justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every Judge of the Court of Appeals or Justice of the Supreme Court elected prior to the first day of January, one thousand eight hundaed and ninety-four, whose term of office has been, or whose present term of office, shall be so abridged, and who shall have served as such Judge or Justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such Judge or Justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

Section 13. The Assembly shall have the power of im-

peachment, by a vote of a majority of all the members elected. The Court for the trial of impeachments shall be composed of the President of the Senate, the Senators or the major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the Court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the Court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

Sections 14 to 23, both inclusive, relate to County Courts and Surrogate Courts and the lesser judicial tribunals and are not related to the Supreme Court.

Section 2 of Article VI, provides for the division of the State into four departments, making the City and County of New York the First Department, and providing that the Legislature may divide the remainder of the State into judicial departments.

The Legislature has divided the rest of the State under this section into three other Districts, or Departments, the Second, Third and Fourth Departments.

The State is also divided into eight judicial districts.

The First Department consists of the City and County of New York and has twenty-two Judges.

On January 1, 1902, the list of Judges in this Department, which is also the First Judicial District of the State, was as follows:

Hons. Charles H. Van Brunt, Edward Patterson, Morgan J. O'Brien, George L. Ingraham, Charles F. Maclean, Charles H. Truax, Francis M. Scott, George P. Andrews, John J. Freedman, P. H. Dugro, H. B. Gildersleeve, James Fitzgerald, Miles Beach, Henry Bischoff, Jr., David Leventritt, Leonard A. Giegerich, James A. O'Gorman, George C. Barrett, James A. Blanchard, John Proctor Clarke, Samuel Greenbaum, Alfred Steckler.

Since January 1, 1902, the following Judges have died: Hon. Miles Beach, Hon. George P. Andrews.

One of the vacancies thus created by death has been filled, the Governor naming Hon. Ernest Hall in place of Judge Miles Beach. Mr. Justice David McAdam died in December, 1901, and the Governor appointed Hon. Alfred Steckler to fill the vacancy, which must be filled at the General Election in the fall of 1902, as well as the vacancies occasioned by the deaths of Justices Miles Beach and George P. Andrews.

JUDICIAL DISTRICTS.

The State is divided into eight judicial districts and in 1902 these districts, as modified by the Legislature, under the provision of Section 1 of Article VI of the Constitution, which provides as follows: "The existing Districts of the State continue until changed as hereinafter provided." The changes, Laws of 1847, chap. 241, as amended by Laws of 1857, chap. 485, and Laws of 1876, chap. 24, organized and constituted the boundaries of the judicial districts at the time the new Constitution went into effect, and were, on January 1, 1902, as follows, each embracing the following counties:

First District—City and county of New York.

Second District—Counties of Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester.

Third District—Counties of Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, Ulster.

Fourth District—Counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, St. Lawrence, Warren, Washington.

Fifth District—Counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego.

Sixth District—Counties of Broome, Chenango, Chemung, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, Tompkins.

Seventh District—Counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates.

Eighth District—Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming.

The judges of the State elected in the Second Judicial District were, on January 2, 1902, as follows:

Hons. William J. Gaynor, Brooklyn; Willard Bartlett, Brooklyn; William D. Dickey, Newburgh; Wilmot M. Smith, Patchogue; Martin J. Keogh, New Rochelle; Michael H. Hirschberg, Newburgh; William W. Goodrich, Brooklyn; Garret J. Garretson, Newtown; Samuel T. Maddox, Brooklyn; Josiah T. Marean, Brooklyn; Almet F. Jenks, Brooklyn.

In the Third Judicial District the Judges of the Supreme Court were, on January 1, 1902, as follows:

Hons. James, A. Betts, Kingston; A. V. S. Cochrane, Hudson; Edgar L. Fursman,* Troy; D. Cady Herrick, Albany; Alden Chester, Albany; Emory A. Chase, Catskill.

* Judge Edgar L. Fursman resigned his office as Judge of the Supreme Court in August, 1902, and resumed the practice of the Law, which creates a vacancy.

In the Fourth Judicial District the Judges, on January 1, 1902, were as follows:

Hons. James W. Houghton, Saratoga Springs; S. Alonzo Kellogg, Plattsburg; Leslie W. Russell, Canton; Martin L. Stover, Amsterdam; Chester B. McLaughlin, Port Henry; Edgar L. Spencer, Gloversville.

In the Fifth Judicial District the list of Judges on January 1, 1902, was as follows:

Hons. Milton H. Merwin, Utica; Pardon C. Williams, Watertown; Maurice L. Wright, Oswego; Peter B. McLennan, Syracuse; William E. Scripture, Rome; Frank H. Hiscock, Syracuse; W. S. Andrews, Syracuse.

In the Sixth Judicial District the Judges on January 1, 1902, were as follows:

Hons. Chas. E. Parker, Owego; Gerrit A. Forbes, Canastota; Albert H. Sewell, Walton; Walter Lloyd Smith, Elmira; George F. Lyon, Binghamton; Burr Mattice, Oneonta.

In the Seventh Judicial District the Judges on January 1, 1902, were as follows:

Hons. William H. Adams, Canandaigua; John M. Davy, Rochester; Edwin A. Nash, Avon; James W. Dunwell, Lyons; Adelbert P. Rich, Auburn; John F. Parkhurst, Bath.

In the Eighth Judicial District the Judges on January 1, 1902, were as follows:

Hons. Henry A. Childs, Medina; John S. Lambert, Fredonia; Alfred Spring, Franklinville; Edward W. Hatch, Buffalo; Frank C. Laughlin, Buffalo; Truman C. White, Buffalo; John Woodward, Jamestown; Warren B. Hooker, Fredonia; Daniel J. Kenefick, Buffalo; Frederick W. Kruse, Olean.

JUDICIAL DEPARTMENTS.

The First Department embraces the city and county of New York, and has been described, being also the First Judicial District of the State.

The judges composing the Appellate Division of the First Department, on January 1, 1902, were, as designated by the Governor of the State:

Presiding Justice—Charles H. Van Brunt.

Associate Justices—Edward Patterson, Morgan J. O'Brien, George L. Ingraham, Chester B. McLaughlin, Edward W. Hatch, Frank C. Laughlin.

By the order of these judges terms were appointed of the Appellate Division of the Court to be held in the city of New York on the first Tuesday after the first Monday of the months of January, February, March, April, May, June, October, November and December, 1902.

The Second Department embraces the counties of Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk and Westchester.

The judges composing the Appellate Division of the Second Department, on January 1, 1902, were, as designated by the Governor of the State:

Presiding Justice—William W. Goodrich.

Associate Justices—Willard Bartlett, John Woodward, Michael H. Hirschberg und Almet F. Jenks.

By the order of these judges terms were appointed of the Appellate Division of the Court to be held in the Borough of Brooklyn on the first Monday of January, first Monday of March, second Monday of April, fourth Monday of May, fifth Monday of September and second Monday of November, respectively.

The Third Department embraces the counties of Columbia, Greene, Rensselaer, Schoharie, Sullivan and Ulster, in

the Third Judicial District; the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, St. Lawrence, Warren and Washington, in the Fourth Judicial District, and the counties of Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins, in the Sixth Judicial District.

The judges composing the Appellate Division of the Third Department on January 1, 1902, were, as designated by the Governor of the State:

Presiding Justice—Charles E. Parker.

Associate Justices—Walter Lloyd Smith, S. Alonzo Kellogg, Emory A. Chase and Edgar L. Fursman.*

By the order of these judges terms were appointed of the Appellate Division of the Court to be held on the first Tuesday of January, 1902, in the city of Albany; on the first Tuesday of March in the city of Albany, on the first Tuesday of May in the city of Albany, on the first Tuesday of September in Saratoga Springs, and on the second Tuesday of November in the city of Albany, respectively.

The Fourth department embraces the counties of Herkimer, Jefferson, Lewis, Oneida, Onondago and Oswego, in the Fifth Judicial District; the counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates, in the Seventh Judicial District, and the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming, in the Eighth Judicial District.

The judges composing the Appellate Division of the Fourth Department on January 1, 1902, were, as designated by the Governor of the State:

* Judge Edgar L. Fursman resigned his seat as Justice of the Supreme Court in August, 1902, which leaves a vacancy in the Appellate Division of this Department.

Presiding Justice—William H. Adams.

Associate Justices—Peter B. McLennan, Alfred Spring, Pardon C. Williams and Frank H. Hiscock.*

By the order of these judges terms were appointed of the Appellate Division of the Court to be held in the city of Rochester on the first Tuesday of January, 1902, second Tuesday of March, second Tuesday of May, fourth Tuesday of September and Third Tuesday of November.

* Mr. Justice John M. Davy, of the Seventh Judicial District, was temporarily assigned to the Appellate Division, Fourth Department, and served from January 1, 1902, to May 20, 1902, when he resumed his seat on the trial bench.

THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, IN THE FOURTH DEPARTMENT.

The Judges designated to sit in the Appellate Division of the Fourth Department, for 1902, are as follows:

Presiding Justice, Hon. William H. Adams; Associate Justices, Hon. Alfred Spring, Hon. Peter B. McLennan, Hon. Pardon C. Williams, and Hon. Frank H. Hiscock.

HON. WILLIAM H. ADAMS, LL. D., PRESIDING JUSTICE.

William H. Adams was born at Lyons, Wayne county, New York, March 27, 1841. His early education was obtained at the union school in that village and subsequently he attended Walnut Hill School in Geneva, with the intention of preparing for college, but by reason of the panic of 1857 he was compelled to relinquish this idea.

In 1859 he entered the law office of Smith & Lapham, in Canandaigua, and continued his studies with that firm until 1861, when, laying aside, for a time, all personal ambition, he responded to the call of his country and aided in recruiting a company of volunteers, of which he was made lieutenant, and which became a part of the Ninety-eighth Regiment, New York State Volunteers. He went into the army as a lieutenant and, after the Peninsular campaign, was promoted to a captaincy, and later served as Brigade Adjutant-General in General Hunter's campaign in South Carolina. After bearing an honorable part in

many of the active contests of the war he returned to Canandaigua and industriously resumed his preparation for the bar. He was admitted to the practice of the law in 1863. In 1865 he married Miss Charlotte Lapham, a daughter of the Honorable E. G. Lapham, junior member of the law firm with which he pursued his studies, and with whom he afterwards formed a partnership which continued down to the time of Mr. Lapham's election to the United States Senate.

He continued the practice of his profession at Canandaigua until the close of the year 1887, and at the beginning of the next year assumed a seat upon the bench of the Supreme Court in the Seventh Judicial District, succeeding that distinguished jurist, Judge James C. Smith. For a period of about ten years preceding his election to the Supreme Court Mr. Adams was the attorney for the New York Central and Hudson River Railroad Company.

Upon the organization of the Appellate Division in January, 1896, which under the present constitution took the place of what was formerly the General Term of the Supreme Court, Justice Adams was selected by Governor Morton to sit upon the bench of the Fourth Judicial Department, presided over by the late Justice George A. Hardin. Upon the retirement of Presiding Justice Hardin at the close of 1899, Justice Adams was designated by Governor Roosevelt to preside over the Court of which he was then a member, his commission taking effect January 1st, 1900.

In June, 1899, Hobart College conferred upon Justice Adams the degree of Doctor of Laws.

At the expiration of his first term as a Justice of the Supreme Court in 1901, Justice Adams became the candidate of both the Republican and Democratic parties, and his reelection was the result of the most cordial support of his

entire constituency, in which their, and his, political affiliations, were utterly lost sight of.

Personally Judge Adams is a man of strong social nature, and while he has been a close student of the law and has made that his serious life-work, he has ever been thoroughly devoted to his family and his friends.

HON. PARDON C. WILLIAMS,
ASSOCIATE JUSTICE.

Pardon C. Williams was born in Ellisburgh, Jefferson county, New York, July 12, 1842. Educated in common schools, Belleville Academy and St. Lawrence University. Studied law at Watertown, New York, in a law office. Admitted to practice in October, 1863. Served as District Attorney of Jefferson county from January, 1869, to January; 1875. Was a member of the law firm of McCartin & Williams, in general law practice, from March, 1874, to March, 1884. Elected Justice of the Supreme Court and commenced service June 1, 1884. Was, during last two years of first term, in New York Appellate Division. Re-elected in 1897, and after serving two years in trial term, was designated to sit in Appellate Division, Fourth Department, January, 1900.

He has resided, since his admission to the bar, at Watertown, New York.

Married Sarah E. Hewitt in 1868, and has a son and two daughters, all married.

HON. PETER B. McLENNAN, LL. D.,
ASSOCIATE JUSTICE.

Peter B. McLennan was born in the town of Lyndon, Cattaraugus County, New York, December 3rd, 1850. His parents, Colin McLennan and Ann Frazer McLennan,

came from Strathpeffer, Scotland, in 1846, and located on the home farm in Lyndon, where they resided until their death.

Judge McLennan is the second of six children, four sons and two daughters. He attended the district school and worked upon the farm until he was sixteen, when he entered the academic department of Alfred University, from which he passed to the regular college course, graduating in 1873. He earned, by teaching school in winter and working on the farm in summer, the money necessary to meet the expenses of his college course. In September, 1873, he located in the city of Syracuse, New York, where he has since resided, and commenced the study of law in the office of Bookstaver & Kingsley, where he remained two months. He taught school for a few months and then entered the office of Fuller & Vann, with whom he studied until his admission to the Bar at Rochester, New York, October 6, 1876. He immediately opened an office in Syracuse and practiced his profession alone for three months; was then in partnership with Major E. O. Farrar for one year, when he became a member of the firm of Vann, McLennan & Dillaye, which continued until 1881, when its senior member, Mr. Irving G. Vann, was elevated to the Supreme bench. The firm of Waters, McLennan & Dillaye was then organized.

In the practice of his profession Judge McLennan devoted his energies chiefly to trial work. He acquired a conspicuous position in that field, and was engaged in the trial of important cases in all parts of the State. In 1882 he was appointed general counsel of the New York, West Shore and Buffalo Railroad Company, with headquarters in New York City, which position he held until the consolidation with the New York Central, when he resumed practice in Syracuse, and soon became a member of the

firm of Tracy, McLennan & Ayling, which continued until his election as Justice of the Supreme Court in 1892. He was designated to the Appellate Division of the Supreme Court, Fourth Department, by Governor Black, in November, 1898, which position he still occupies.

Judge McLennan has always been a Republican in politics, and before his elevation to the bench took part in many hotly contested political campaigns. He has always been prominently identified with the business interests of the city of Syracuse, and as one of the Water Commissioners was influential in obtaining Skaneateles Lake as its source of water supply. He is a member of the faculty of the College of Law of Syracuse University, and Lecturer upon The Trial of Causes.

Judge McLennan was married in December, 1881, to Miss Belle Barron, of Addison, New York. They have three children, one son and two daughters.

HON. ALFRED SPRING, LL. D.,
ASSOCIATE JUSTICE.

Alfred Spring was born at Franklinville, Cattaraugus County, New York, February 19th, 1851. His father was Samuel S. Spring, County Judge of that county at the time of his death. Alfred Spring was graduated from Ten Broeck Free Academy in Franklinville, in 1870, and attended the literary department of Michigan University for two years, being a member of the class of 1874. He was admitted to practice law in October, 1875, and commenced the practice in his native village in that year. He was elected Supervisor of the town in 1876, Surrogate of the county in 1879, and reelected in 1885, holding the office twelve years. He was appointed Justice of the Supreme Court by Governor Morton in January, 1895, to fill the

vacancy caused by the election of Judge Haight to the Court of Appeals. He was eleted Justice of the Supreme Court in the fall of 1895, and was designated to the Appellate Division of the Fourth Department by Governor Roosevelt in January, 1899, which position he now holds. He was married in May, 1877, and has three children.

Michigan University conferred upon him the Degree of LL. D., in 1901.

HON. FRANK H. HISCOCK,
ASSOCIATE JUSTICE.

Hon. Frank H. Hiscock was born at Tully, N. Y., in April, 1856, but his family removed to Syracuse in 1858, where he has since resided. He fitted for college early and entered Cornell University when only fifteen years of age. He graduated with honors from that university in 1875 and commenced the study of the law in the office of his uncle, Hon Frank Hiscock, then United States Senator. He was admitted to the bar in 1878 as an attorney and in 1879 as a counsellor, and began the practice as a member of the firm of Hiscock, Gifford & Doheny, and on the retirement of Mr. Gifford, was junior member of the firm of Hiscock, Doheny & Hiscock, taking the laboring oar in that business, and at once took a prominent position as a member of the bar of the Fifth Judicial District of the State.

Judge Hiscock took an active interest in political affairs and was a member of the Republican State Committee of his district. In 1889 he was chosen one of the four Trustees of Cornell University, representing the Alumni. He is still one of the Trustees of that Institution. He was and still is identified with banking and manufacturing interests at Syracuse, being a Trustee of State Bank of Syracuse,

Trustee of the Trust and Deposit Company of Onondaga, and a Director of the Straight Line Engine Company and of the Whitman & Barnes Manufacturing Company of the City of Syracuse. Although still a young man, he was slated for judicial honors by his party.

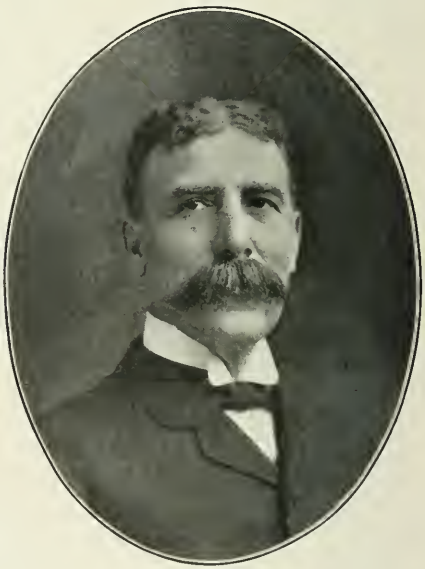
When Judge Irving G. Vann was appointed Associate Justice of the Court of Appeals Governor Morton appointed Mr. Hiscock a Justice of the Supreme Court, to fill that vacancy, in January, 1896. The appointment met with favor from both the Bar and the people and in the succeeding election in fall of 1896, he was elected to succeed himself for the full term of fourteen years, which official position he now holds.

In October, 1901, Governor Odell designated him as one of the Associate Justices of the Appellate Division of the Court of the Fourth Department, which place he now fills.

Judge Hiscock is very popular with all classes. He has won the confidence of the people, is of fine presence, agreeable manners, an eloquent and convincing speaker, and is entering upon a brilliant career, with every prospect of great public usefulness.

Hon. Allen D. Candler,
Governor of Georgia.

Hon. N. O. Murphy,
Governor of Arizona.



Hon. Albert White,
Governor of West Virginia.

HONORARY VICE PRESIDENTS OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

PSYCHOLOGICAL.

This Department is conducted with the following Associate Editors:

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Prof. A. A. D'Ancona, San Francisco, Cal.
H. S. Drayton, M. D., N. Y.
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Prof. W. Xavier Sudduth, Chicago, Ill.
U. O. B. Wingate, M. D., Milwaukee, Wis.

as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico-Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1902 are as follows:

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AMERICAN CONGRESS ON TUBERCULOSIS.

THE CORRESPONDENCE BETWEEN THE OFFICERS OF THE AMERICAN CONGRESS ON TUBERCULOSIS AND THE GOVERNMENT OF THE U. S. OF A.

The following is a copy of the letters sent to the Secretary of State and of the Treasury:

1. Letter of Mr. Clark Bell to Secretary Hay, of March 21, 1902.

New York, March 21, 1902.

Sir.—I have the honor to enclose you the announcement and accompanying papers relating to the approaching meeting of the American Congress of Tuberculosis on the 14, 15 and 16 of May, 1902, at the Hotel Majestic in this city.

I also mail you under separate cover the December number of the Medico-Legal Journal, and call your attention to the article on page 607, et seq., as to the subject in the State of the Argentine Republic and our Legation there.

Letters similar to those sent Minister Lord, were sent to our ministers resident in the Central and South American States, and some of these reply that they need some authorization from our State Department showing the sympathy of our Government, with the objects of the meeting and its labors.

We ask the sympathy and encouragement of our Government in promoting the discussions of the questions presented, and which are formulated in the papers sent you.

Eleven Governors of our American States have accepted Honorary Vice-Presidencies in this Congress. The Governor-General of the Dominion of Canada and all but two of the Lieutenant-Governors of the Provinces of that Dominion has accepted a similar distinction.

Admiral Van Reypen, late Surgeon-General of the Navy, General Russell A. Alger and other men of eminence, have also consented to act as Honorary Vice-Presidents.

Vice-Presidents from every American State and Territory and from many of the Central and South American States have been appointed, and have accepted.

What we have requested of our American Ministers in these countries (except Canada), has been to learn the names and addresses of the men of eminence in both professions, who would be most likely to take an interest in the work of this body.

We trust, Sir, that you may find it consistent with your duty to send to me or to them, a letter expressing the sympathy our Government feels in this work we are doing, and especially when the work done by the Marine Hospital Service of the Treasury Depart-

ment, both in the treatment of our sailors in hospitals, and in the prohibition of immigration of aggravated cases of consumption has made us the foremost nation of the world in measures to prevent the spread of this dread disease. I enclose a copy of a letter I have this day sent to the Secretary of the Treasury, to call your attention to the importance of the questions under discussion. With high regard, I remain Honored Sir,

Ever faithfully yours,

CLARK BELL, Secretary.

2. Letter of Mr. Clark Bell to Secretary Hay, of March 25, 1902.

New York, March 25, 1902.

To the Hon. John Hay, Secretary of State, Washington, D. C.:

Sir.—In addition to the subject matter of my recent note, I desire to submit for your consideration some additional facts:

1. The Governor of the State of Vera Cruz, Mexico, has accepted the distinction of Honorary Vice-President of the Congress and writes as follows:

"I am in hearty sympathy with and fully realize the great value ofthe work proposed by this organization, and am very much pleased to become identified with it in the manner designated.

"It would give me pleasure to act upon your suggestion to submit for the consideration of the Congress a statistical paper on Xalapa as a health resort, and I shall endeavor to have such a paper prepared for the meeting in May.

"I should also be glad, in case I cannot be present at the meeting, if one or more of the leading physicians of this State could attend, as you suggest.

The appointment of delegates to an International Congress, however, would be made by our Federal Bovernment.

"It is to be hoped that such co-operation will be given to this movement for the better understanding and treatment of tuberculosis, as will effectively arrest the ravages of this dreadful enemy of mankind."

I underscore the sentence, to which it relates, which was in response to my request that he name delegates from his State (Vera Cruz.)

2. Hon. Powell Clayton, our Ambassador at Mexico, writes me in response to my request to furnish me with a list of the names and addresses of men of science in both professions in Mexico, who would be favorable to co-operation in our work, as follows:

See his letter enclosed.

I have received a similar response from another Minister from a Central American State.

I feel confident that the American Government will do all in its power to encourage this body in its labors; but I fear that I ought to have applied to you earlier, as the time necessary to reach the distant States of South America may require more urgent action.

The Argentine Republic is already in close relations with us, owing to the strong support given by our Minister, Governor Lord, of Oregon, whom I know.

You will see by his letter, of which I send you a copy, the International League of the Latin American States against Consumption are at work.

I trust to you, Sir, to cause it to be known to our own Ministers, and to the Ambassadors and Ministers of Central and South American countries that our effort has the sympathy of the Government of the United States.

The Earl of Minto, Governor-General of Canada, has accepted the Honorary Vice-Presidency of this Congress, as have the Lieutenant-Governors of all the Canadian Provinces, but two.

We ask no pecuniary assistance, but that friendly sympathy which will aid in a work so deeply near the lives of our people.

Very faithfully yours,

CLARK BELL, Secretary.

To the Hon. John Hay, Secretary of State, Washington, D. C.

3. Copy of letter of Hon. Powell Clayton, American Ambassador, in the City of Mexico.

American Embassy, Mexico, February 20, 1902.

Clark Bell, Esq., Sec'y American Congress of Tuberculosis, New York City.

Dear Sir.—Replying to your letter of the 3rd instant, I have to say that if you desire my co-operation with the Mexican Government, or good offices in any requests upon it, in behalf of the American Congress of Tuberculosis, it will be necessary for you to apply to the Department of State at Washington, as I cannot take up matters of this kind upon my own volition.

Very respectfully,

POWELL CLAYTON.

The replies of the State Department appear under dates of April 4, 1902, and April 10, 1902, and are quoted in full in the address of welcome of Mr. Clark Bell, at the opening of the Congress on June 2, 1902, and were published on pages 53 and 54, June number Medico-Legal Journal.

THE TREASURY DEPARTMENT.

The following is a copy of the letter sent to the Hon. L. M. Shaw, Secretary of the Treasury, at Washington, D. C.:

New York, March 31, 1902.

Dear Sir.—I enclose the announcement of the annual session of this Congress announced for May 14, 15 and 16, 1902, to open at the Hotel Majestic. Our officers would be glad to have you make a short address at the opening ceremonies on the 14th, of 8 to 10 minutes, in company with a few other distinguished men. The Governor-General of the Dominion of Canada, the Lieutenant-Governor of the Provinces of Canada, and ten or eleven Governors of American States have accepted the Honorary Vice-Presidency, as did Surgeon-General Van Rypens, late of the Navy Department.

Your Department, under the management of Walter Wyman, Surgeon-General of the Marine Hospital Service, has done what seems to me, to be the most important work and service in respect to tuberculosis, both in the care and treatment of the sailors, and in respect to the spread of the disease, that has been done in the world.

The outline and work of that service should be laid before this Congress in a complete and yet condensed form, so that it would go into the Bulletin, and be thus brought to the attention of all Christiandom.

If you should request of General Wyman that he do this (than whom no one is better qualified), I believe he would be proud and glad to do so.

He would hardly feel willing to do this vountarily, or even on our application.

The questions arising on the recent regulations of your Department respecting the immigration of consumptives in advanced stages, involve the highest questions of forensic medicine. Upon the question of the dangerous and contagious nature of tuberculosis and its communicability, rests the right and power of your Department to interdict its importation. It is now, as I understand, before the courts, and it should be thoroughly discussed at the coming Congress.

Surgeon-General Wyman writes me that he has prepared a paper on this subject, and given it to the Secretary of the Treasury. I shall address the Congress upon this branch of the case in its legal aspects, and I shall be glad to have it called to the attention of the legal advisers of your Department.

If not inconsistent with your sense of public duty, I should be glad to have you furnish me with a copy of the paper Surgeon-General Wyman has prepared, and such additional information as would aid me in the preparation of my paper in support of the action of your Department.

I should also be glad if you would feel it consistent with your sense of your official duty, to direct or detail Surgeon-General Wyman to have a full resume of the work of the Marine Hospital Service laid before the approaching Congress, not only for the enlightenment of all, as to the grand role the American Government has played in the recent past in this regard, as well as to bringing

the subject to the attention of delegates from all parts of all the countries on this Western Hemisphere; to the splendid results already achieved, and the methods by which that success has been realized. I remain, Sir, with great respect,

Very faithfully yours,

CLARK BELL, Secretary.

Hon. L. M. Shaw, Secretary of the Treasury.
Washington, D. C.

This application resulted in the powerful aid of the Secretary of the Treasury, who advised the officers of the Marine Hospital service of the application. The Surgeon-General of the Marine Hospital Service advised the officers of the Congress that he had detailed two officers of the Marine Hospital Service to represent that branch of the Service of the Government, and to attend the session.

The Surgeon-General of the Army, upon a like application, detailed Capt. Henry D. Snyder, of the Army, as a delegate from the Government, and placed at the disposition of the Museum Committee of the Congress, contributions from the Museum of the Army of the United States, under charge of that officer.

A similar application to the Honorable, the Secretary of the Navy, through Surgeon-General Presley M. Rixie, of the United States Navy, who had accepted the position of Honorary Vice-President of the Congress, resulted in the appointment of Surgeon W. C. Braisted, U. S. Navy, as a delegate to the Congress, representing the Navy of the United States.

The following letter was received from the President of the Republic of Mexico by the officers of the Congress, of which the following is a translation made for the Congress by Dr. J. T. Labadie, of New York:

EXECUTIVE DEPARTMENT, REPUBLIC OF MEXICO.

City of Mexico, May 7, 1902.

Senor Henry D. Holton, President, and the Officers of the American Congress of Tuberculosis, New York.

Esteemed Gentlemen.—In reference to your circular letter of March 21st last, I thank you for the kind invitation you have extended to me to take part in the opening of the Congress of Tuberculosis that will take place in that city on the 14th day of this month, and to send at the same time the greatest number possible of physicians as a scientific contingent of studies in the sessions of the 15th and 16th.

I regret that my official duties prevent me from asking the National Legislature for the necessary permit to leave the country for such a laudable purpose, and I am sorry also that the limit of time, as there are only a few days left, has prevented the nomination of delegates from Mexico who, well prepared, as per your indications, would present their work before such an illustrious assembly.

Under the circumstances which render impossible for us our joint actions in such an important meeting, in the form that otherwise would have been easy, and nevertheless desiring not to abstain from it, on this date and by telegram, Dr. Juan H. Navarro, Consul General of Mexico in that city, is nominated as official representative of this Government. In this way I comply in the only possible manner with your kind invitation, which has all my sympathy, as it has undoubtedly that of the Governments of all the countries where the implacable disease of tuberculosis spreads as the most cruel scourge of humanity.

Let us hope that at the end of the Congress which is opened for such a noble and high purpose, its illustrious members will be able to proceed successfully with the fight they are relentlessly waging. Full success they deserve, not only for their knowledge and science, but also for their earnest endeavors to stamp out one of the worse public calamities that ravage and destroy humanity.

I take this occasion to beg you to believe me sincerely and respectfully yours. PORPIRIO DIAZ.

The Government of the Northwest Territories of Canada, Department of Agriculture, replies as follows to the communications of the Secretary from Regina, the Capital:

Regina, June 25, 1902.

Sir:

I beg to acknowledge, with thanks, receipt of your letter of the 14th instant, in which you state that various reports and bulletins issued under the auspices of the American Congress of Tuberculosis have been forwarded to this department. These publications have duly come to hand and will be read with great interest.

I have today sent you, under separate cover, a complete set of the annual reports of this department since its inception. I would specially direct your attention to page 149 of the 1901 report, which deals with the subject of Sanitaria for Consumptives in the North-West Territories, which will doubtless be of interest to you.

I am, sir, your obedient servant,

CHAS. W. PATERSON
Deputy Commissioner.

Clark Bell, Esq., Secretary-Treasurer, American Congress of Tuberculosis, 39 Broadway, New York, N .Y., U. S. A.

Mrs. C. Van D. Chenoweth writes from Worcester, Mass.:

"The Congress of Tuberculosis is exceedingly interesting through the public prints, and I wish I were in attendance at New York. It is dealing with a great work for humanity, and hosts of people are wishing you God-speed from whom you will never hear."

The following letter was received from the office of the American Secretary of State:

Department of State, Washington, June 3, 1902.

Clark Bell, Esquire, Secretary American Congress of Tuberculosis, 39 Broadway, New York:

Sir:

Referring to previous correspondence, I have to inform you that I am advised by the United States Embassy at Mexico City, under date of the 27th ultimo, that the President of Mexico has appointed Dr. Daniel Vergara Lope as a delegate on the part of that Republic to the American Congress of Tuberculosis now sitting in New York. I am, sir,

Your obedient servant,

DAVID J. HILL, Assistant Secretary.

Dr. Daniel V. Lope was in attendance at the Congress and at the banquet.

TRANSACTIONS.

AMERICAN CONGRESS OF TUBERCULOSIS

IN JOINT SESSION WITH

THE MEDICO-LEGAL SOCIETY

Held at Hotel Majestic, 72d Street and Central Park West, on June 2d, 3rd and 4th, 1902.

Third Annual Session.

MONDAY, JUNE 2, 1902, 10 A. M.

OPENING SESSION.

In the Chair:

For the American Congress on Tuberculosis, Henry D. Holton, M. D., President, of Brattleboro, Vt., supported by E. T. Barrick, M. D., of Toronto, Vice President.

For the Medico-Legal Society, Clark Bell, Esq., President of New York, supported by Geo. Brown, M. D., of Atlanta, Ga., Vice President of the Congress.

In Joint Session:

Dr. A. N. Bell, of Brooklyn, Honorary President, called the meeting to order and made an address of welcome.

He introduced Clark Bell, Esq., LL. D., President of the Medico-Legal Society and Secretary of the Congress, who made an address of welcome.

Mr. Bell introduced Dr. Henry D. Holton, the President, who made a presidential address.

The chair directed the Secretary to call on the delegates from foreign countries. The Secretary called on delegates from the Dominion of Canada.

Dr. Wm. Oldright, of the Provincial Board of Health of Ontario, delegate from the Provincial Government of Ontario, was called and made a brief response.

Dr. Charles J. Fagan, delegate from the Provincial Government of British Columbia, was called, who did not respond.

Delegates from the Central and South American Republics were called and responses were made by Dr. Juan J. Ulloa, Consul-General from Costa Rica, as a delegate from that country; Dr. Joaquin Yela, Consul-General at New York, who responded for the Government of Guatemala.

The Secretary presented a letter from Dr. Manuel Alonzo Calderon, the Peruvian Minister at Washington, who had been named as a delegate from Peru, expressing profound interest in the work of the Congress and regretted his inability to be present.

HON. ABRAHAM R. LAWRENCE,
Ex-Justice New York Supreme Court

PROF. DR. R. VIRCHOW,
Berlin, Germany.

*PROF. DR. AXEL KEY,
Stockholm, Sweeden.

HONORARY MEMBERS OF THE MEDICO-LEGAL SOCIETY.

*Prof. Dr. Axel Key's death occurred shortly before the intelligence of his election reached his family.

The Secretary presented a letter from Hon. Geo. A. Bridgman, American Minister at Bolivia, who had intended to be present, but had been detained at Washington unexpectedly, describing the situation of Bolivia in relation to tuberculosis.

Dr. Louis A. Herrera, Charge de Affairs at Washington, D. C., for the Government of Uruguay and a delegate named by that Government, made an address.

Senor Louis H. Nicolas, Consul-General at New York for Haytl and delegate from that Government to the Congress, made an address.

The delegate from Mexico was cal'ed, but did not respond.

On the call of the delegates from the Government of the United States Chief Surgeon and Deputy Surgeon-General Henry L. Lippincott, M. D., of the Brooklyn Navy Yard, responded for the Navy. Capt. Henry D. Snyder, of the same department, delegate named by the Government of the United States, responded for the Army. Dr. Stoner responded for the Marine Hospital Service.

On the call of the States of the American Union, Prof. W. H. Brewer, of New Haven, responded for Connecticut.

Dr. Wm. H. Hancker, Superintendent State Hospital for Insane, responded for Delaware.

Dr. Alex. Mack responded for Georgia.

Dr. Jas. A. Egan, of the State Board of Health, responded for Illinois.

Dr. T. Henry Davis, of Richmond, of the State Board of Health, responded for Indiana.

Dr. H. McBracken, Secretary of State Board of Health, respanded for the State of Minnesota.

Dr. J. Wood Fassett responded for the State of Missouri.

Dr. Donald Campbell responded for the State of Montana.

Dr. J. H. Tyndate responded for the State of Nebraska.

Dr. Irving A. Watson, Secretary State Board of Health, responded for the State of New Hampshire.

Ex-Senator Henry D. Winton responded for the State of New Jersey.

Dr. M. K. Kassabian, M. D., of Philadelphia, responded for the State of Pennsylvania.

Hon. Moritz Ellinger responded for the State of New York.

Dr. Frank Paschal, of San Antonio, of the Board of Health of that city, responded for Texas.

Dr. C. O. Probst, Secretary of the Ohio State Board of Health, responded for that State.

Dr. Jas. L. Nicholson, of North Carolina, responded for that State.

Dr. C. S. Caverly, of Rutland, of the State Board of Health, responded for Vermont.

Surgeon W. C. Braisted. U. S. delegate of the U. S. Navy, responded for the District of Columbia.

Dr. T. L. Barber responded for West Virginia.

The Secretary asked that two secretaries be named as assistant secretaries to aid him in the work of the sessions, and on motion Hon. Moritz Ellinger, of New York, and Dr. C. O. Probst were so appointed.

Letters of regret were read from the President of the United States and the Mayor of the City of New York, regretting their inability to be present and formally open the Congress.

The Secretary read a letter from the Hon. Jacob F. Cantor, President of the Board of Aldermen, expressing regret at his inability to be present and address the Conress, but accepted the invitation for the banquet on the evening of June 3, at Hotel Majestic.

The Secretary announced that both the Governor and Lieutenant-Governor of the State, who had been invited to be present, were absent from the State, the former in California and the latter in Europe, and that Hon. Charles V. Formes, President of the Board of Aldermen, had accepted the invitation of the Congress to be present at the banquet and respond for the City of New York in the place of the Mayor of the city.

Letters of regret were read from General Miles, of the Army, and Admiral Coghlan, of the Navy, the latter stating that he was unable to attend at this morning's session, but accepting the invitation to the banquet.

The Secretary then presented the letters from the Governors of States, some of whom had been printed in the preliminary announcement.

The Secretary presented a large number of letters from Government officials, delegates named by Governors of States and societies and others too voluminous to be read at the session and asked for the pleasure of the Congress. It was moved and carried that the Secretary be empowered and directed to select such as he deemed most important and print the same in the transactions of the Congress.

The chair then declared the Congress duly opened for the transaction of business, and the work as laid out upon the programme was begun.

Mr. Clark Bell moved that the following committee be named on Standing Committee and that they be instructed to consider the following resolution:

Resolved, That besides the Executive Committee, the following standing committees be created to take the charge of the several subjects and to report at the next annual meeting:

(a) Committee on Preventive Legislation.
(b) Committee on the Pathology and Bacteriology of Tuberculosis
(c) The Veterinary Aspects of Tuberculosis.
(d) Sanitoria.
(e) Climatology.
(f) Light and Electricity.
(g) The Surgery of Tuberculosis.
(h) Resolutions.
(i) Ways and Means.
(k) On Acceptance, Censorship and Revision of Contributions for Publication, and on Publication.
(l) On the Press.

And report their recommendations to the Congress, viz: Geo. Brown, M. D., chairman, of Alabama; Dr. J. H. Tyndale, of Nebraska; Dr. C. O. Probst, of Ohio; Dr. U. S. Wright, of Missouri; Dr. O. B. Douglass, of New Hampshire; T. D. Crothers, of Connecticut. J. L. Nicholson, of North Carolina, which was seconded and carried unanimously.

On motion the chair was authorized to appoint a committee on nominations of officers. The chair announced that he would name the committee later and called on delegates from each State and country to name men for seats on such committee to the chair.

The chair called attention to the fact that only two members of the Standing Committee on Organization named last year were present at the session, Dr. T. D. Crothers and Moritz Ellinger.

It was moved and carried that the chair name members on the Committee on Organization to act in place of the members named last year who were not in attendance.

It was moved by the Secretary that a Committee on Resolutions be named by the chair for this session.

The Secretary announced that the roll of the Congress would be opened in the Museum under the charge of the chairman of the Museum Committee and of an assistant of the Secretary and requested that deegates sign the roll, giving their home and city addresses, and that delegates who had not enrolled could do so at the Secretary's desk after the morning session.

Members and delegates were requested to hand in their transportation certificates to facilitate the obtaining of return tickets at reduced rates of fare.

Congress took a recess until 2 o'clock p. m.

The Secretary introduced Louis Y. Nicolas, Consul-General of Hayti at New York, as the representative of that country, who responded as folloms:

Mr. President and Gentlemen:

In coming here my only purpose was to follow the proceedings of the Congress of Tuberculosis. I had no idea that I would be called upon so unexpectedy to speak to this eminent gathering of the learned doctors of the Americas.

Although the courteous invitation found me wholly unprepared to speak, yet I do not think that I ought to decline the compliment paid to me by the officers of the Congress.

Of course, in accepting the invitation, I rely on the indulgence of the members of the Congress to excuse any mistakes that I may make in speaking in the English language, with which I am not familiar enough to speak without any preparation even in the ordinary course of things.

Will it be out of order to pay a most merited tribute to those who, in the interest of humanity, have called together the prominent doctors of the Americas in order to discuss the causes of that dreadful disease of tuberculosis and to adopt, as a result of this gathering, resolutions which will be recommended to the Government and people to be carried to and observed in every country and home?

I have been hopeful that Hayti would be represented in this Congress by such prominent professors as Dr. Leon Andain, the founder of the Polyclinique Peau at Port au Prince, and Dr. Borno, who could lay before you the results of their professional observations and experiences.

But unfortunately the sudden and unexpected change of government in Hayti, brought about by the resignation of the President, may have interfered with the obtaining of their credentials from the late administration and consequently prevented them from being present here.

It is for this reason that I decided to avail myself of the personal invitation sent me to attend the sessions of the Congress and come this afternoon to follow its proceedings, so that I can report to my Government the decisions that will be taken by you in order that they may be known and adopted in my country.

It is a highly commendable act of humanity for men to come from all over the States, from Canada and from Central and South America to work in the common interest to find a remedy which will prevent or stop the spreading of the dread disease.

Indeed I consider that your work ought to be encouraged in every country, because it is one for the most disinterested and is undertaken solely for the benefit of medical science and of thousands of human beings menanced by tuberculosis germs, and for ameliorating the condition of those already afflicted by that disease or try-

ing at least to prolong or save their lives whenever it is possible for their beoved ones.

This question is, I think, on the line of those which ought to be agitated by the medical profession, the press and statesmen until proper legislation can be adopted in every large community. It is not a narrow question, but one which concerns the whole of mankind.

In Hayti the question of adopting a general law of sanitation was agitated last year by a young deputy who presented a bill on the subject for the consideration of the National Congress. I have great hope that it will be taken up this year, and when it is reported there can easily be embodied in it some amendment providing for the precautions necessary to prevent the spreading of tuberculosis.

Professor Leon Andoin, a man of will and great energy, who has gathered around him a great number of the best men of the profession in Hayti, being besides the principal of the Polyclinic Peau, the president of the Medical Jury (Board of Health) of the Republic, will, I am sure, receive with the greatest pleasure the recommendations of this Congress and will enlist great numbers of his co-workers to join him in battling against tuberculosis, the invisible and dangerous foe that can unseen and unfelt accompany us to our homes and there insidiously menace our lives until at last its symptoms become, alas, only too apparent.

Mr. President and gentlemen, I thank you for your courteous attention.

Dr. Alexander Mack, chairman of the delegation from Georgia, said:

Mr. President and Gentlemen:

The Governor of Georgia and the President of the Medical Association, realizing the importance of this Congress, and wishing that much good might result to humanty, especially in our State, have appointed a considerable number of medical men to attend this meeting, and I am glad to say that Georgia has the largest delegation of any State or country here represented. Among this number are men of eminence in the medical profession, who are here with carefully prepared papers, and also to take part in the discussions and deliberations of this Congress.

Like the gentlemen who have preceded me, I will not take up much of your valuable time, but will only mention this fact: That where we have a large negro population, who are not quite up to the standard of living of civilized creatures, we have much difficulty in dealing with this question of tuberculosis. It is a fact, that among the negroes, this most dreaded of all diseases is sadly increasing, and I trust that in your deliberations some definite conclusion may be reached on this line.

I will only say in closing that the gentlemen of Georgia will be heard from later.

Remarks by Colonel Lippincott at the Congress:

Mr. President, Ladies and Gentlemen:

It becomes my pleasing duty to offer to the foreign representatives a friendly greeting by this Congress. It will not be necessary to assure you either individually or collectively that your presence with us at this time is most desirable, that goes without saying. The great work to be considered here involves the hygienic affairs of every enlightened nation; therefore, your advice, assistance and encouragement are essential. You will find this Congress eager to learn from your lips the good that may be done by systematic and thoughtful labor, and will take home with you an abiding faith in the cordial welcome that we extend to you.

EDITORIAL.

THE CORONATION OF KING EDWARD VII., AND THE PARDON OF MRS. MAYBRICK.

The postponement of the coronation of King Edward, by reason of the serious illness of the king, gave rise to great excitement and apprehension on this side the Atlantic.

His recovery and convalescence were watched with great apprehension and interest, and his coronation gives great personal gratification to our people as well as to our English cousins.

It shows that the heart of the American people beats in sympathy when a menace or danger threatens that country.

We rejoice that he has convalesced so rapidly, and we are glad, indeed, that the cloud that hung over the horizon of the English nation has been removed.

It was hoped by many that this event would be followed by an exercise of clemency by the English Government towards our countrywoman, Mrs. Maybrick, whose innocence is beyond doubt or question in the minds of the great body of our people.

King Edward is, as it seems to us, powerless in the matter.

By the English Constitution the King of England has the royal prerogative of pardon.

That he has the constitutional right to claim and exercise this prerogative would be acknowledged by every jurist in England.

That he has not decided to exercise the rights given him in this regard, is painfully apparent.

When his mother surrendered this prerogative, as a young girl before her majority or marriage, it was construed by the rulers of England as a formal surrender on the part of the throne of the right to exercise it.

During the long reign of Victoria, of more than sixty years, she never once exercised it.

The present Home Office system has grown up in the interim and has become, so to say, one of the institutions of the English Government.

Any attempt on the part of the throne to assert its right to the royal prerogative of pardon, would be resisted by the men who really govern England, and the people of England would sustain the Government and be against the throne on such an issue.

The constitution of England gives the throne the power of veto of an act of Parliament.

No one would for a moment dispute the legality of the veto of the throne to defeat any measure.

Such a veto has not been cast for more than a century.

Such a veto could not now be cast, or maintained if it was cast. No minister in England would dare to counsel such a veto of a measure against the known will of the English people.

The veto power of the English throne is a fiction.

The pardoning power to be exercised by the Crown is also a fiction. It no longer exists, and it will never be again exercised in England.

The pardoning power is vested in the Home Minister, and he is responsible to no one and to no authority, not even to Parliament.

He is supposed to be responsible only to public sentiment and public opinion.

When he decides to pardon the legal ficton is, that it is announced that the Home Secretary had advised the throne to pardon, and the writ issues from the Home Office.

England stands alone among all the nations of the world in this regard. In all lands, except England, the pardoning power vests in the Executive of the Government.

Not one English colony that has created laws regulating the exercise of this power has followed her example.

There is no parallel in the history of jurisprudence in any country where such an extraordinary withholding of the pardoning power has been exercised by a government, against a citizen of our country, over the constant and unremitting remonstrance of a government, whose executives have, one after another, urged the exercise of the pardoning power, and when in the case of President McKinley, he asked it as a question of international comity, quite irrespective of her innocence or her guilt. All the American Presidents have believed her innocent of the crime with which she was charged, in common with the great body of the American people.

The late Chief Justice of England placed on record on the files of the Home Office, in the strongest possible language, his opinion and belief that she ought never to have been convicted, and that she should be released, and before his death placed in her hands a letter written on the letter-heads of the head of the Justiciary of England, his convictions as to the illegality of her conviction and detention, to which the English Home Office gave no heed.

The continued imprisonment of Mrs. Maybrick, under all the circumstances that surround this case, is a stain upon the administration of justice in England, and is unparalleled in the whole jurisprudence of modern civilization.

King Edward VII. is in no wise responsible for the situation.

The friends of Mrs. Maybrick well know where his sympathies lay in her case, but as Prince of Wales he was powerless.

As King of England he is now as powerless, to even influence the Home Secretary, and for more than twelve years this American lady has languished in an English prison on the charge of poisoning her husband, when the most eminent men and alienists in our country have filed with the English Home Office their opinion, based upon a careful consideration of all the evidence taken at the inquest before the magistrate and upon the trial, that Mr. Maybrick's death was not due to arsenic, and the post mortem analysis showed that not enough arsenic was found in the body to warrant an assumption that the death was due to such a cause.

THE AMERICAN CONGRESS ON TUBERCULOSIS.

We are unable to make any announcement as to the time or place of the future meetings of this body. A resolution was adopted at the Congress to hold its session in 1904 at St. Louis, on the occasion of the great Exposition to be held there.

No action was taken respecting a session in 1903, and the whole subject will be determined by the officials of the Congress when they are chosen.

The plan of organization reported by the Committee on Organization, appointed at the session of 1900, provides for a governing council of nine members.

It provided that the President and Vice-President be ex-officio members of that council, to whom the governing power of the body was entrusted.

The report of the committee as made, did not contemplate that the Secretary or the Treasurer be members of the governing council but the Congress amended their report in this respect, and placed both the Secretary and Treasurer on the council as ex-officio members.

The Congress elected a list of Honorary Vice-Presidents, fifty-seven in number, from most of the American States, the Latin-American Republics and the Canadas; and one hundred and fifty-three Vice-Presidents from States and countries, composed as far as the executive officers had been able to select, of two medical men and one lawyer or layman, from each State or Province.

The Committee on Nominations did not submit candidates for members of the council, disregarding or overlooking the action of the body, which had adopted the plan of organization on the second day of the session, so that the Congress did not elect its governing council.

A resolution was passed by the Congress, however, that authorized all officers and committees to act until their successors had accepted the election, and were ready and willing to act.

Under this authorization the Executive Committee, which had full authority, will act until the new council is chosen, which must be done by the Executive Committee, as the plan of organization did not give the President, or any officer, the power to appoint or name the members of the council.

The plan adopted as amended, is an improvement upon the system of last year, and is more in accordance with the needs of so large and powerful a body as it has grown to be.

It was wise, and will greatly strengthen the administration of the new President, to have the infusion of new blood, carefully selected from all the countries and States represented.

The provision of subdividing the work into committees of five, will make the labors of each lighter, than when, as in 1902, all of it fell upon the Executive Committee, except the Committee on the Museum, or nearly so.

The standing committees will also divide the labor, systematize the work and provide for a small army of workers, all having a common purpose.

The Secretary writes that the outlook for the coming work is bright and hopeful.

The progress of the Bulletin of the Congress of 1902 is most gratifying. Over seventy-five pages of it is already in type. Selections will be carefully made of the more important papers, so that the Bulletin will be a valuable contribution to the literature of the subject, and will be a grand factor in the work to which the Congress was dedicated—the education of the public mind and of the professions of both law and medicine; to favor such preventive legislation as may arrest the spread of "the scourge of the race," against which it has opened a conflict in earnest and in deed.

THE SUPREME COURT OF THE UNITED STATES.

We recall no Presidential appointment in recent years that meets with such unanimous public approval as the appointment of Chief Justice Oliver Wendell Holmes, of the Supreme Court of Massachusetts, to the place made vacant by the resignation of Mr. Justice Gray.

Judge Holmes has had the splendid equipment and training that his duties on the Supreme Bench of the State of Massachusetts first as an Associate Justice, and later as Chief Justice has given him, to qualify him for the place.

Behind that is the high public esteem he will bring with him as he ascends to the Supreme Tribunal of our country.

The present attitude of the Supreme Court of the United States on the greatest questions that have been before that Court for recent adjudication, respecting the relation of our general government to our insular possessions, is well known.

That the Court was evenly divided upon these issues, so fraught with our destiny as a nation, and so immensely important to the nine millions of people whose destinies are so

completely mingled with our own, is also well known; and it must not be believed for a moment that the President has placed, what he understands to be the attitude of our Government, for one moment in doubt by this appointment. Judge Gray voted with those Judges who sustained the view of the Government upon these questions, and it must be assumed that Mr. Justice Holmes will not disturb the judicial equilibrium of that Court.

The confidence of the American people in the ability and the integrity of the Supreme Court of the United States is the chief bulwark of our Government. That Judge Holmes is entitled to the highest place in the public confidence is beyond doubt or question, and the appointment is one which will greatly strengthen the President with the people.

SPIRITISM, HYPNOTISM AND TELEPATHY.

We take pleasure in presenting Dr. T. M. McIntosh's views on this subject as a criticism on the brochure just published under the above head:

To the Medico-Legal Journal:

I have read Dr. F.E. Daniels' article, "Natural and Supernatural?" "Spirits or Telepathy?" and your comments on the same, published in your issue of June.

While I agree with Dr. Daniels in the main, there are some things with which I take issue, as well, also, with Editorial comments on Dr. Daniels' article. Dr. Daniels is quite right when he says there is not a "duality of mind," and that different exhibitions in a particular mind are but different displays of functions of that one brain, that there is no "multiple personality," and that the brain functuates well when it is well nourished—the same as all other organs in the human body. There is every evidence to show that the various, varied and aberent mental states that one sees in a particular individual, are only different symptoms of departure from a normal brain function, and there can be a return to the normal, if there is no organic change in the brain, just as a disordered and abnormal function of the stomach, heart, or any other organ of the body, will resume its normal, under proper conditions, if there is no organic change in them.

When, however, Dr. Daniels calls all mental phenomena "electricity," he goes beyond an exact scientific statement, and which must be, from the very nature of the things, under consideration, merely an assumption. It cannot be demonstrated that we "see,

hear, feel, think, act, by electricity." "That the thrilling kiss is an electrical discharge" is not any more demonstrable than that a pleasant or repulsive visual or auditory impression, is a similar discharge. Sweets to the tongue, beauty to the eye, music to the ear, odor to the nose, a kiss to the lips, are all, and only functions,—the same as is thought or other mental operations of the brain, and by their very nature are unexplainable and imponderable, and cannot be called a "force" electrical, or any other kind. I grant that these functions can be compared, analogically, to electricity, which is but one other and a much studied form or mode of motion, as applied energy. He says, "The force of the mind can be directed by the will," and says, "it is a power capable of overcoming gravitation, and lifting ponderable matter." Now this statement is wholly at variance with the remainder of Dr. Daniels' paper, for no ponderable matter ever was, or can be, lifted by the "force" of the mind in response to the will, unless that will or mind acts on a voluntary muscle, which *can* and will *lift* ponderable matter.

Mind is not a "force," and when Mr. Elliott Coues states that he has seen three legs of a heavy dining table leave the floor, when he and his wife were alone in the room, instead of being accepted as an actual occurrance, should be explained as a mental delusion of Mr. and Mrs. Coues, on a par with the "spirits" that the negroes of Texas and Georgia see,—a temporary disordered brain function. It is far-fetched and supernatural, to speak of mental telepathy, and all statements that there are such occurrances are purely imaginary, and made by witnesses who believed in the supernatural, and interpreted assumed synchronous occurrences, and circumstances that are wholly independent, to fit their delusions or preconceived ideas.

Thought is absolutely intangible and imponderable, a function of the brain only and cannot in any sense be compared to what Marconi has done with wireless telegraphy. He deals with the atmosphere and light, and by means of a properly constructed apparatus prevents the diffusion of waves, and propels them in a particular direction. Morse concentrated electrical force on a wire, and Bell sounds waves on a wire. Every boy in the country has placed his hands on either side of his mouth, when he wished his voice to go in a direction to where his hunting companion or dog was supposed to be—thus making a crude Marconi apparatus. "Telepathy" and "Lævitation" can have no place in physical science, and can only exist as a delusion, in improperly functionating brains.

The Editor in his comments says, "the brain is an organ of the mind, the instrument the mind employs in its work." How would it appeal to you to say, the digestion is an organ of the stomach,—the instrument the digestion employs in its work? Every one knows that digestion is the function of the stomach, and also knows that mind is the function of the brain, for mind cannot be without a functionating brain. The dead brain is without function, and therefore without mind. "There are more things twixt Heaven and earth, Horatio, than is dreamed of in your philosophy." Let us, however, base our philosophy on facts and reason and not on the "dreams of faith" or imagination.

T. M. McINTOSH, M. D.

Thomasville, Ga., August, 1902.

ABOLITION OF CAPITAL PUNISHMENT.

Mr. Cracknell wishes to renew and reopen the question of capital punishment in this State, which has been repeatedly and often-times decided adversely to his views.

Public sentiment in this State seems to be adverse to its abolition.

It may be difficult for an Englishman to understand why we oppose the abolition of the death penalty here, but the verdict of our general public is adverse to it. The masses of our people would differ with Mr. Cracknell as to his fourth and sixth propositions.

He is about to visit and make a study of the question in such American States as have tried its abolition. It presents some peculiar results as to deterrent effect, as well as to its relation to the volume of crime. He desires to reopen the discussion and invites replies. We give his views as an introduction of the discussion of the subject:

By Richard Cracknell, Esq.

America has in many things set an example to the world. It remains to be seen if this shall be the case in regard to the abolition of capital punishment. In England the subject has, from time to time, engaged public attention; efforts have been made to remove the laws permitting death punishment from the statute book, but they still remain. Changes have been made, both in England and America, in carrying out executions. Formerly they took place before the public gaze, now they are private, only certain officials are allowed to be present. The action of the Governor of New York State regarding the exclusion of certain press representatives on a recent occasion was much criticised, but went to show that this remnant of barbarism is doomed. Like all other reforms it will only be secured by keeping at it. It is painful to notice that while the public are wild with excitement over an execution, when it is passed the subject is allowed to drop. The following may be given as some of the reasons for a change of the law:

1. An irrevocable sentence needs an infallible tribunal. No tribunal is infallible. Innocent persons have been executed: the confession of the guilty came too late, the innocent suffered death, were legally or illegally murdered.

2. Juries hesitate to convict, even where there is some evidence of guilt, when they know that conviction will be followed by an irrevocable sentence.

3. It was recently found very difficult to select a jury in a supposed murder case because of the avowed objection of many to capital punishment.

4. Life punishment is more dreaded by criminals than death punishment.

5. The idea that the Bible enjoins death punishment as a universal law for all time is erroneous. The covenant made with Noah, and frequently quoted, "He that sheddeth man's blood, by man shall his blood be shed," was made at a special time and for a specific purpose, and it gives no authority for killing by law today. It is impossible for Old Testament laws, given in a past dispensation to individuals, to govern society and nations in the present.

6. Civilization and Christianity are alike opposed to death punishment.

In the United States death punishment is inflicted in various ways in different States, while in some it is abolished altogether; thus in New York and Ohio it is by electricity, Indian Territory by shooting; Porto Rico by the most barbarous of all methods, the "garrote;" in some other States by hanging, while in *Maine, Michigan, Rhode Island and Wisconsin, death punishment is forbidden by law.* This may be taken as evidence that it is doomed in all the States, and when America takes this stand other nations will certainly follow, and death punishment become a matter of history.

ANDREW CARNEGIE.

BIOLOGICAL LABORATORY.

This remarkable man is studying how he may do good in those ways and paths that have been so much neglected, but which are fruitful of good to the race.

The Marine Biological Laboratory at Wood Hall, which has been doing splendid work in most excellent hands, but under great difficulties for want of sufficient means, since it was started in 1888 with a small building and a row boat for collecting material. Its managers had the sagacity and wisdom to apply to the Carnegie Institution for financial aid.

Their appeal was met, and they have come, as we learn, under the full financial control of the Carnegie Institution, and new land will be purchased, a new laboratory equipped, and a suitable provision for a permanent maintenance under the strong support of the Carnegie Institution.

It will add new lustre and dignity to the splendid name and fame of Andrew Carnegie, that he has permanently identified his name with biological research in our country.

THE LORD ACTON LIBRARY.

This most valuable, unique collection of books which could hardly be duplicated in the world, of about 100,000 volumes, of which the majority treat on secular and ecclesiastical history, has been purchased by Mr. Andrew Carnegie, and by him presented to John Morley as a token of their long friendship.

It is a princely gift, and it is doubtful if any collection in the world can equal it on the lines which Lord Acton laid down for its foundation and collection.

Mr. Carnegie realized the great importance of preserving this collection intact.

It can hardly be possible that he would believe that Mr. John Morley would regard this library as high as did the late Lord Acton, who built it up, and who has been called the most learned man in England.

It is a library that should be preserved intact, and for which Mr. Morley's tastes would, as we regard him, make it very attractive.

If it should find a home in the future in some of the great English collections it should be preserved, but it is not at all unlikely, and indeed would be in accord with the practical mind of Mr. Carnegie that it will be placed by the same princely munificence that gave it, on a permanent foundation.

At all events, it adds to the high esteem in which Mr. Carnegie must be held by every lover of books, that he has added new proof of the greatness of his heart and the breadth and scope of his beneficence.

THE AMERICAN CONGRESS ON TUBERCULOSIS. ELECTION OF GOVERNING COUNCIL.

The Chairman of the Executive Committee of this body, on which will devolve the selection of nine members of the council, (which with the President, First Vice-President, Sec-

retary and Treasurer, will constitute the governing power of the body), announces that owing to the absence of the President, Dr. Daniel Lewis, in Europe, that Committee prefer to await his return for consultation before making the selections.

The Executive Committee have agreed substantially upon some of the names, but desire that the President might have the opportunity if willing, to select some of the names for the council.

TUBERCULOSIS IN MASSACHUSETTS.

Tuberculosis seems to have had a more fruitful field in Massachussetts for its ravages than any State in the American Union.

This State was not represented in the American Congress on Tuberculosis, the Governor declining to name delegates to the Congress, and acting as he stated, under the advice of prominent members of the State board of Charities of that State.

The influence of that Board was, so far as it had any influence, hostile to the work of the American Congress on Tuberculosis, and in no wise friendly to the movement.

On June 27, 1902, after the Congress had finished its work for this year, the Legislature of Massachusetts passed a resolution of which the following is a copy:

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT BY THE STATE BOARD OF CHARITY AS TO A NEW SANATORIUM FOR CONSUMPTIVES.

Resolved, That the State Board of Charity is hereby directed to investigate the following matters and to report thereon to the general court on or before Jan. 15, 1903, to wit:

(1) Is it necessary or expedient for the Commonwealth to make additional provision for the care and treatment of consumptives? If so, should such provision be made by establishing one large new sanatorium or by establishing several smaller institutions, and, if several, should these be located in different parts of the Commonwealth so as to provide for patients at sanatoriums comparatively near their places of residence?

(2) Should the patients be furnished board and treatment without charge, or should a moderate charge, not exceeding the actual cost, be made for board? And, if the patients should be unable to pay for their board, should the cities and towns in which they have a legal settlement be required to pay therefor?

(3 Where, in the opinion of the board, should a new sanatorium or new sanatoriums be established?

(4) What would the board recommend as to the material, plan, manner of construction and details of such sanatorium or sanatoriums?

If the board should conclude that it is advisable for the Commonwealth to establish a sanatorium or sanatoriums the board is authorized to prepare a general plan of a building or buildings therefor, together with an estimate of the cost of constructing them, and such plan and estimate shall form part of the report to be made by the board to the general court.

In carrying out the provisions of this resolve the board may expend, with the approval of the governor and council, a sum not exceeding two thousand dollars.

It will be observed that this resolution directs that the investigation be made by the State Board of Charities, and does not name a special commission.

The Boston Medical and Surgical Journal of June 21, 1902, in commenting on this legislative action, says:

PROPOSED NEW PROVISIONS FOR CONSUMPTIVES IN MASSACHUSETTS.

We desire to call attention to the resolve printed in another column of this issue providing for an investigation and a report by the State Board of Charity as to new provisions for consumptives. The questions which are put are certainly worthy of the very closest consideration before any final action is taken, and we are glad to note that the various possibilities and contingencies are taken into account in this resolve as drawn up. Admitting the fact that further provision for the care and treatment of consumptives is desirable in this Commonwealth, it becomes a matter of the very greatest importance to determine whether the State shall become responsible for one large sanatorium or for several smaller ones, and if the latter plan be adopted, where these various institutions may be most advantageously placed. These matters and the various other points suggested, which may well give rise to a considerable legitimate difference of opinion, should receive the most earnest consideration, not only from those associated with the State Board of Charity, but also from all who are interested in social and hygienic questions in whatever walk of life they may happen to be. Particularly would it seem desirable to us that members of the medical profession, who through training and experience have made themselves competent to consider such questions, should be called into counsel. Massachusetts has taken a foremost place in the whole question of the sanatorium treatment of tuberculosis, largely through the efforts of a certain small band of devoted physicians who have given their time and energy to the solution of this difficult problem. If these men be also consulted with regard to this new movement against tuberculosis in the State, we need have no fear that a policy of wisdom and moderation will be adopted.

We concur in the view of this journal, as to the unwisdom of relying on the State Board of Charities of that State alone, on a matter of so much public importance. As constituted we doubt if its investigation or report would be quite satisfactory to the public mind of that State. The Board, as now constituted, is too narrow, and not broad enough to answer what Massachusetts needs.

The suggestion of the Boston Medical and Surgical Journal that "members of the medical profession, who through training and experience, have made themselves competent to consider such question, should be called into counsel," is a very important and a very valuable suggestion.

Those men in Massachusetts who know much more about it than the members of the Board of Health itself, should be also consulted, as the Boston Medical and Surgical Journal also suggests: Dr. Henry O. Marcy and Dr. J. H. McCullom, of the South Division City Hospital of Boston.

Hiram F. Mills, Esq., of Lowell; James W. Hull, Esq., of Pittsfield; Charles H. Porter, Esq., of Quincy, and J. H. Goodenough, are excellent men for such a commission as the legislature has placed in charge of the Board of Health, but they should not allow the medical officers of the Board to think for or to act for them. They should think and act more freely, and for themselves, and for the best interests of the State.

We know from conversations with the State officials in Boston, about the time the action was taken, what the view of the matter was, as taken by the Legislature. The Lieut.-Governor of the State and some of the leading Senators should be consulted also.

We shall look forward to the action of the State Board of Health of Massachusetts on this subject with great interest, and shall be glad to see their report.

We do not doubt but that the lay members of this board will take the advice of the best authorities in the State upon this interesting question.

GEORGE FRANCIS TRAIN.

GEORGE FRANCIS TRAIN.

This remarkable man is emerging from a peculiar privacy in a way likely to attract general public attention.

In the early history of the Union Pacific Railroad, in which he bore an honorable and conspicuous part, Mr. Train became interested in a large tract of land in the heart of what has now become the City of Omaha, with others who believed in the future of that city, and which he held at the time of his arrest and trial at the instance of Anthony Comstock for the publication of obscene literature. It transpired that these publications were selected quotations from the Bible and from other books held in high estimation by the Roman Catholic Church.

An inquisition was held at tht instance of the District Attorney of New York City, under the law as it then stood in New York, to determine the lunacy of Mr. Train, who insisted upon pleading guilty before the Magistrate, and who was committed to the Tombs to await his trial.

This proceeding was tried before the late Chief Justice Daly, and a jury, and occupied nearly a month, in which the Editor of this Journal was counsel for Mr. Train and his family, in resisting the proposed action of the District Attorney.

This trial, through the great interest it excited in the public press, became a "Cause Celebre," and it finally resulted in a verdict by the jury adverse to the contention of the District Attorney, and the verdict was in favor of his sanity. The criminal charge still remaining, Mr. Train was then brought to trial before Mr. Justice Noah Davis, at the New York Oyer and Terminer and a jury, and this trial caused a still greater sensation than the inquisition as to his sanity.

The plea of the defence by same counsel was, not guilty, and the witnesses which the District Attorney had used in

the former proceedings, were sworn by the defendant's counsel, who pronounced Mr. Train insane.

The District Attorney stated to the court that he should not contest the fact, which he alleged to be the fact, that Mr. Train was then insane, and announced that he should offer no evidence to refute or oppose the evidence defendant's counsel had presented.

A motion to discharge the prisoner was made by Mr. Train's counsel and was denied by Mr. Justice Davis, who insisted on the trial proceeding.

Defendant's counsel insisted that on the evidence presented, Mr. Train's insanity was established, and that the prisoner was entitled to a verdict, but the court instructed the jury to find a verdict of not guilty on the ground of insanity.

This the entire jury was unwilling to do, two members dissenting on Mr. Bell's demanding that the jury be polled, but the Court ordered the clerk to enter the verdict of not guilty on the ground of insanity, which was done, and the Court then ordered the commitment of the defendant to a lunatic asylum as insane.

No appeal was taken from that decision, and Mr. Train was and still stands by this adjudication a lunatic, which decision judgment has not been reversed or set aside.

The proceeding instituted by defendant's counsel, was by habeas corpus and made returnable,before Mr.Train could be committed under the order of Mr. Justice Davis, and resulting, after a sharp fight, in Mr. Train's discharge, and he sailed for Europe by the advice of his counsel as soon as the formal discharge was signed; he was never committed to the asylum by the authorities, although he had been legally adjudged insane.

Meanwhile the interests of Mr. Train in the Omaha lands was foreclosed after this adjudication, under the laws of Nebraska, by his associates, or the holders of claims, without taking any steps to have a committee named or appointed of

the persons or estate of Mr. Train, who was an adjudged lunatic; the counsel conducting the proceedings ignoring Mr. Train's mental state as adjudicated in the New York Supreme Court. Mr. Train, if a lunatic, or if adjudged a lunatic, has since been in a state of mental repose in his seclusion.

Meanwhile the value of the lots in Omaha have advanced a thousandfold.

He is understood now to contemplate a judicial inquiry in Nebraska, to determine how far his being adjudged a lunatic affects the proceedings therein, by which his rights were interrupted or extinguished in the Omaha city lots.

If the Nebraska courts, or the United States courts, should decide that Mr. Train, as an adjudged lunatic under the laws of New York, was entitled through a committee of his person and estate, to a day in court on the manner by which his rights to, and interest in the land was cut off, it might prove to be a question of great interest to those owners of the lots originally belonging to Mr. Train, as well as those who took title from the grantees, based on the proceedings under which it is to be claimed his rights were foreclosed or cut off.

As an item of interest bearing on the mental state of Judge Noah Davis' court, the New York News recently invaded the sanctum of Mr. Train, at the Mills Hotel, where he lives, and has drawn from him his present position on the question of his lunacy.

Mr. Train's opinion on this question may not be conclusive, but we commend it to the many alienists of the Medico-Legal Society as an interesting study.

We reproduce it through the courtesy of the New York Daily News—from its Sunday edition:

George Francis Train writes as follows on "Why I Am a Lunatic:"

I am a lunatic by law, and I propose through the courtesy of the Daily News to tell the world why and how.

Every man who has accomplished anything great, as an inventor is called a lunatic. Arkwright, Peel, with his cotton bobbin; Watts with the steam from his teakettle; Stephenson with his railways;

Morse with his telegraph; Graham Bell, Singer, Bessemer and the rest—all were accused of lunacy. Hoe was considered a lunatic ever after he put on the market his first little press, and Edison and Marconi are not fit to possess the liberty accorded the average man.

The patent office in Washington is a lunatic asylum, in which are harbored 700,000 dangerous examples of lunacy.

Born between Morse and Stephenson, between steam and electricity, I have beaten them both in practical demonstrations. I am the champion lunatic of the world.

Six different courts left me a lunatic in the Tombs in 1873, and fifteen jails have at various times had me behind their bars—and never has there been a stain upon my reputation or good name. Therefore, I am a lunatic. I am a ward in chancery without a guardian or administrator, without a committee or trustee.

By law there are three wards in chancery, namely, a lunatic, a convict and an idiot. I am neither a convict, as I have never been convicted of a crime, nor an idiot; but I am a lunatic, at the same time the best known and the least known of the entire family of lunatics the world over. And I am a peculiar type of lunatic.

By psychic telepathy I hold in my hand the power of sickness and health, success and failure, life and death; but I am a lunatic. For seventy-three years I have lived a life of peace and contentment, and have harmed neither man,woman, child nor dumb beast; and so I am a lunatic. And now I live here in this pleasant place, away from strife and turmoil, backbitings and all uncharitableness; and forsooth I must be a lunatic.

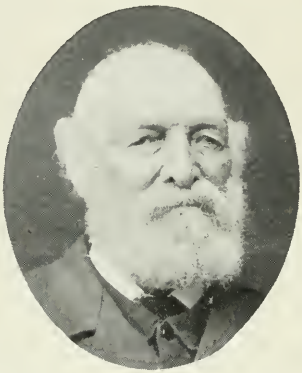
Better to illustrate my lunacy, let us draw an imaginary pyramid which we will call the pyramid of fame. On the bottom exists a stratum of "How d'ye do?" people, the great mass of atoms of humanity that never rise above that eternal inquiry about your health. Next come the scientists, the Tyndalls and the Huxleys and those others that men worship as something higher than themselves. Then, above the scientists, the thinkers, come the doers, the workers, the Wall street financiers; and these are worshipped more devoutly still.

Away up near the top is a single individual figure—a poet, gentleman and personal friend, the representative of eight generations of clergymen—Ralph Waldo Emerson, who at sixty-six became senile and did not know enough to live.

On the very peak of this pinnacle is another solitary figure—my own. I was born there, and about me are virtue, truth, honor, birds and music. This is why I am a lunatic.

Galileo was a lunatic and was loaded with chains. Dante was such a lunatic that he had to take his sweetheart as a guide through Purgatory and Hell. Napoleon was a lunatic and died at St. Helena, Xerxes and Thoreau, Richard Wagner, Charles Lamb, Pythagoras, Rousseau and William Tell were all lunatics and suffered for their vagaries. Du Maurier was a greater lunatic than his creation, Peter Ibbetson; and so were the authors of those delightful gospels according to "Mother Goose" and "Little Red Riding Hood."

I am a lunatic because I am thirty years ahead of my fellows. I am a lunatic because my thoughts are not those of the ordinary thinker—because I am absolutely truthful. But chief of all I am a lunatic because I am George Francis Train.



In Memoriam

OF

MOSES T. BABCOCK, M. D.

BY CLARK BELL, ESQ.,

TO THE FELLOWS AND MEMBERS

OF THE

LAKE KEUKA MEDICAL AND SURGICAL ASSOCIATION,

AUGUST 19, 1902.

NECROLOGY.

MOSES T. BABCOCK, M. D.

BY CLARK BELL, ESQ., LL. D.

To the Members and Fellows of The Lake Keuka Medical and Surgical Association:

It is a sad, a mournful duty your officers put upon me to ask you to join with me in spirit, and to aid me in placing upon the grave of one of your ablest and best men, a tribute of affection and of regard.

He and I were boys together, and fellow-students at our Alma Mater, Franklin Academy, Prattsburgh, Steuben county, and although he was much older than I, he had started later in life, and had worked his way, slowly but steadily, overcoming obstacles that would have been insurmountable to some.

His youth and early life was full of struggle, and it required great courage and industry to obtain the preliminary course of study to enter the medical college.

Adopting Medicine as a profession, he was 27 years of age before he graduated in medicine, and the years from 1842 to 1852, when he took his degree, were years of constant toil, unremitting study, great privation, but full of earnest, fixed endeavor, that knew no such word as fail, and he never swerved or flinched in the performance of a duty or the defense of what he believed to be right.

He took up his residence and commenced his practice in Hammondsport, where he resided until the fall of 1861, and we were close friends in the early days and, as I believe, remained so to the end.

Last year, at your meeting, we revived old memories at the council-fires of your Association, and I took leave of

him then,—not, as I supposed, for ever,—but I saw him no more, and his place is not filled.

Strong in his attachments and friendships, of a high and noble nature, his path was one of pronounced success, and he aspired to high excellence and noble endeavor.

He stood high in his profession, and I discharge the melancholy duty placed upon me by your officers, with profound emotion, in thanking them and you, for giving me this opportunity, to speak of my old friend and classmate, among the most lustrous names of the medical profession in the section where he lived and practiced, and among those, and before those, who, recognizing his merit as a physician, will, I know, join with me in all that I could say in praise of his memory.

Last autumn I spoke of Dr. Moses T. Babcock, in my Journal, as follows:

"Among the older members of the Lake Keuka Medical and Surgical Association stands the name of Dr. Moses T. Babcock, who stands high in all the Lake Keuka region, not only in his profession, but in the public estimation.

"Dr. Babcock was born in Washington county, New York, April 30, 1825. He was educated at Franklin Academy, and was there a classmate of the writer; was successful as a teacher, studied medicine; and graduated at Geneva Medical College in 1852 and commenced practice at Hammondsport, New York, taking a post graduate course at the Buffalo Medical College in 1855 and 1858.

"In the war of the Rebellion he served with honor and distinction, entering the 141st New York as Assistant Surgeon in the fall of 1862, and served until the close of the war.

"He was at the following battles in that war:

"Suffolk, Va.; Wauhatchie, Lookout Mountain, Mission Ridge, Capville, Resaca, Dallas, Kenesaw Mountain, Marietta, Peach Tree Creek, siege of Atlanta, siege of Savannah, Bentonville and Raleigh.

"He was complimented for his service by the chief of the 20th Army Corps, 1st Division, May 30th, 1865, and later by the Surgeon in charge of the 107th Regiment of Field Hospital, 1st Division, 20th Army Corps, in June, 1865.

"He has been a member of the State Medical Association since 1884, and has served as President of the Steuben County Medical Society.

"He is an influential member of the Lake Keuka Medical and Surgical Association."

I repeat it here. He has gone to his long rest.

"*Sic itur ab astra.*"

HON. LUTHER R. MARSH.

An eloquent, an able and a superb character has been removed from the list of the living Honorary members of the Medico-Legal Society, in the passing of Luther R. Marsh, one of the most eminent and successful of the lawyers of the Bar of New York City and State.

Full of years, of a noble and a pure life, with a superb hold upon that philosophy, which colored with infinite sweetness and tenderness all his pathway; he has passed over the boundaries that separates the living, from the mystery of the unknowable, into a realm toward which we all are traveling with rapid footsteps.

Although passing the 90th mile stone, Mr. Marsh never saw the day "when the grasshopper was a burden," and he retained his intellectual force and vigor until he passed into the arms of the Infinite, as peacefully as a babe goes to sleep upon its mother's bosom.

I know of no more beautiful and graceful allusion to the passing of Luther R. Marsh than his own prophetic touching words, with which he closed his speech at the birthday banquet tendered him on his 90th birthday; than which no words could more fitly describe the death scene of this splendid and luminous soul:

> Your grateful guest—happy as his life has been, happy as his life *is*, for I verily believe that no happier man treads the globe—at peace with all the world, free from all disease, untroubled by a care, unworried by a solicitude, unvexed by any thing, yet, nevertheless,—such are his convictions—that he will hail the day with welcome when it may be said of him, in the words of Dryden, which seem, two hundred years ago, to have been written as if for him:
>
> "Of no distemper, of no blast he died,
> But fell like autumn fruit that mellow'd long;
> Even wonder'd at, because he dropp'd not sooner.
> Fate seemed to wind him up for four-score years,
> Yet freshly ran he on ten winters more;
> Till like a clock worn out with eating time,
> The wheels of weary life at last stood still."

SELDEN HAINES TALCOTT, A. M., M. D., PH. D.

The death of Selden H. Talcott, late Superintendent of the State Hospital for the Insane at Middletown, New York, removes one of the most accomplished, successful and well equipped men for the charge of a great hospital in our State, if not in our nation.

For a quarter of a century he has been at the head of this institution, which may well be said to have been of his creation.

Of commanding presence, agreeable and courteous in his manners, Dr. Talcott was conspicuously one of the leading alienists of our country. He has been for many years an active member of the Medico-Legal Society, and his death, which may well be classed as untimely and unexpected, terminates a brilliant and a successful career in his chosen profession.

Dr. Talcott was an eloquent, gifted and pleasing speaker. He bore a conspicuous part at the banquet given to Hon. Luther R. Marsh last November, on the celebration of his 90th birthday, and was the central figure at the banquet tendered by the physicians of his school in his honor, at the Waldorf-Astoria in the City of New York, on May 14, 1902, at which one hundred and thirty guests sat down, which was an exceptionally brilliant affair.

The Medico-Legal Society will take appropriate action on his death at the October meeting of that body, undoubtedly, when we may speak of his career more in detail. His death occurred June 15, 1902.

DR. WYATT JOHNSON, M. D.

The death of Dr. Wyatt Johnson, of Montreal, Canada, removes one of the brightest and most estimable men of the whole medical profession on this side the Atlantic.

He has for many years been one of the most energetic of the active members of the Medico-Legal Society.

Although young, he has had the confidence of the Government, not only of the Dominion, but of his own Province, and he has been closely identified with the best work done in the line of forensic medicine in the Dominion of Canada.

At the International Medical Congress of 1900, at Paris, he took high rank in the section on Legal Medicine, and was one of the few men invited by Professor Brouardel, the chairman of that section, at the brilliant dinner given by him to the Honorary Vice-Presidents of that section.

All in all, Wyatt Johnston had the most brilliant future, as it seems to the writer, of any of the younger medical men of his time.

It was his illness that kept Professor Adami from attending the American Congress on Tuberculosis, as Dr. Johnson had kindly volunteered to take Prof. Adami's place in the remaining work, to enable Prof. Adami to be in New York on the third day of the Congress. He was stricken with what proved to be a fatal disease.

His death removes one of our most esteemed and well beloved and most prominent members, and strikes down a personal friend of the Editor of this Journal, dearly loved, highly prized and greatly mourned. We shall reserve for the official action of the body in the Autumn a more extended and detailed statement of the great loss which medical jurisprudence has sustained in the sad and untimely death of Wyatt Johnston.

AMERICAN CONGRESS ON TUBERCULOSIS.

NOTICE TO DELEGATES NAMED BY GOVERNORS OF STATES OR COUNTRIES, AND BY ORGANIZATIONS AND TO OLD MEMBERS.

The following notice has been sent to the delegates to the Congress of 1901 and 1902 who did not enroll in the Congress of 1902. It is intended that all old members of the Congress of 1900 and 1901, all delegates sent by officials or organizations for the years 1900, 1901 and 1902, who did not enroll in 1902, shall have the bnefit of the proposal made in the notice, and any such delegates sending $1.50 shall have Volume XX sent, commencing with the June number.

MEDICO-LEGAL JOURNAL, OFFICE OF THE EDITOR,
39 BROADWAY, NEW YORK, July 14th, 1902.

Dear Colleague:

You were a delegate to the American Congress on Tuberculosis of 1901, but did not pay the enrolling fee. You took a deep interest in the work of that body and we believe still feel a great interest in its success. This Journal, under contract with the American Congress on Tuberculosis, published the Bulletin of that Congress under the supervision of its editor and it appeared June 2, 1902, to which every enrolled member was entitled to receive a copy, who had paid the enrollment fee of $3.00

The Medico-Legal Journal has made the same contract to bring out the Bulletin of 1902, and furnish the same to all the enrolled members of the Congress that met June 2, 3 and 4, 1902.

This Journal during the year 1901, and early 1902, prior to the session of June, 1902, published the larger part of the papers read before the Congress of 1901 in its columns, so that the readers of that Journal received in advance of the issue of the Bulletin, all the transactions gramme and resume of its labors.

The delegates named by the Governors of States, or nearly all of them, for both the Congress of 1901 and 1902, received the Medico-Legal Journal through the courtesy of its managers. Many of the members and delegates became subscribers to it at half price, a reduction that was offered to the enrolling delegates to either of the Congresses. The Medico-Legal Journal now offers, at the opening of its 20th volume, beginning with June number, 1902, to furnish every delegate named by Governors of States, State Medical or other Societies, the Journal at half price, $1.50 payable in advance. This will enable you to have all the work of the last session in advance of the Bulletin's appearance. We will also send you, so long as the edition lasts, the Bulletin of the American Congress on Tuberculosis for 1901 for $1.00 and 10 cents to cover postage; also the Bulletin of the Congress of 1900 at same price

The American Congress on Tuberculosis extende time for contributions of papers to go into its Bulletin until October 15th, 1902, subject to the censorship of a committee named to pass on all contributions. All such applications made to the editor of this Journal will receive prompt attention.

This letter will be sent, besides the delegates to both Congresses, authors and such officials and friends of the work as we think would take any interest in the subject. Please reply. Address and remit to

THE MEDICO-LEGAL JOURNAL,
39 Broadway, New York City.

SUPREME COURT—JOURNAL ANNOUNCEMENTS.

The June number of this Journal contained the group of the present Bench of the Appelate Division of the New York Supreme Court in the Fourth Department.

The September number will contain the group of the present Bench of the Third Department, and we expect that the next number will contain the present Bench of the Appellate Division in the First Department, if we can secure the portraits, and if possible, perhaps the Bench of the Second Department. We have the Third and Fourth in judicial robes, and we are endeavoring to do the same with the First and Second Departments. We publish sketches of the judges of this Bench in Fourth Department, and hope to follow with portraits and sketches of the remaining Department Justices.

Subscribers to Volume XX. of the Journal will receive all these groups and sketches, and members of bench and bar are urged to subscribe for this Volume 20 so as to have these groups and sketches without fail.

A CORRECTION.

T. Crisp Poole, Esq., Barrister at Law, of Brisbane, Queensland, desires to make a correction respecting his paper hitherto published in this journal. We publish his letter:

38 Town Hall, Chambers, May 29, 1902.

Clark Bell, Esq.

Dear Sir.—I regret to inform you that I have made a mistake in my article on "Should Prostitution be Regulated by Law," in representing the English Contagious Diseases Act as still being the law of that country. The English contagious diseases acts were repealed in 1886 by 49 votes to 10; a fact which had escaped my observation when I was writing the article. I therefore, hasten to acknowledge the mistake and to express regret that it should have occurred. This fact, however, only strengthens the argument of the article; for if the act in England has been found to be so useless as to be repealed, that only supplies an additional reason for showing that such legislation does not answer the purpose for which it was made.

I beg that you will publish this acknowledgement of the mistake, and remain, Yours faithfully,

T. CRISP POOLE.

SELECTIONS.

XEROFORM.

In a paper, "The First Dressing on the Battlefield," read at the XXXI Congress of German Surgeons, Berlin, (Munchener Med. Wochenschrift, April 15, 1902), Privy Councillor Paul von Bruns, professor of surgery and director of the Surgical Clinic at Tubingen University, and Surgeon-General a la Suite German Sanitary Corps, recommends, especially for the treatment of bullet wounds, a salve of Xeroform kept in zinc tubes, in which it will not decompose. This salve is to be of the following composition:

Xeroform,	10 grams	(2½ drams).
Bol. alb.,	50 "	(13 ").
Mucil. gumm. arab.,	50 "	(5 ").
Glycerin,	20 "	(5 ").

F. pasta mollis. In zinc tube.

Prof. v. Bruns condemns impermeable dressings which prevent desiccation of the wound, and recommends Xeroform because of the disadvantages of iodoform and salicylic powders.

DR. HERMAN KUTTNER, Prof. of Surgery and assistant at the Surgical Clinic of Tubingen University, who took part in the Boer war, in a paper on "Shot Wounds of the Extremities," (Aerztliche Kriegswissenschaft, p. 174, Gustav Fischer, Jena, 1902), says the following:

"'The first dressing decides the fate of the wounded;' this old maxim of Volkmann will never lose its significance. How first aid on the battle field is to be applied, is not the subject of this paper. I will rather confine myself to a few salient points in the treatment of bullet wounds of the extremities. For this purpose I recommend the Bruns pastes. Especially useful is the Xeroform salve (according to the investigations of Honsell, Xeroform has a greater antiseptic power than airol), for it does not decompose in zinc tubes. This container has the advantage that every ambulance surgeon can carry it in his pocket and have it ready to express the salve upon the wound. If the ointment is then covered with gauze or cotton, a pervious and antiseptic dressing which answers every requirement has been prepared."

The value of Xeroform in army surgery is also attested to by DR. EMILIO NEGUERA, Surgeon-in-Chief Spanish Army Sanitary Corps, (Revista Medicina y Cirurgica Practicas, Madrid, April 25, 1899), who used it during the Spanish-American War, and states:

"I had the satisfaction to find all the wounds entirely aseptic when the Xeroform dressings were removed. This is practical proof of the fact that this simple Xeroform dry dressing can be employed on the battle field itself to keep wounds aseptic for from two to three days; a length of time more than sufficient for the removal of patients to the hospital."

GLUTOL.

At a stated meeting of the New York County Medical Association, held May 19, 1902, Dr. Edward L. Keyes, Jr., presented a paper on "The Therapeutic Use of Suprarenal Extract in Diseases of the Genito-Urinary Tract." The author expressed the opinion that suprarenal extract had only a restricted application in this department of surgery. It was useful, for example, in preventing the troublesome bleeding often associated with the simple operation of meatotomy, but even here he felt it necessary to insure against subsequent bleeding by the application of Glutol, a compound of formaldehyde and gelatin. (New York State Journal of Medicine, June, 1902.)

JOURNALS AND BOOKS.

SOME RECOLLECTIONS OF A LONG LIFE. By John Hooker. Belknap & Warfield, Hartford, Conn. 1899.

This is an admirable and readable book and contains a large number of sketches of great value.

Among those of considerable interest to us are his reminiscences of the Connecticut Judges of the Supreme Bench.

Mr. Hooker was a Reporter of judicial decisions of the Supreme Court for thirty-six years. His reminiscences of the Judges are excellent, notably of Judge Carpenter, Judges Dwight Loomis, David C. Sanford, La-Fayette S. Foster, Origen L. Seymour, Dwight W. Pardee, Edward W. Seymonr, Judge Granger, Judge Fenn, Ex-Chief Justice Park, Chief Justice Hinman, Chief Justice Butler, Chief Justice Storrs, and Judges Torrance, Baldwin, Dullon, McCurdy, Phelps, and Chief Justice Andrews.

John Hooker dedicated the book to his wife, Isabella Beecher Hooker, "whose enlightening and inspiring companionship for over half a century has made my life well worth living and full of pleasant memories," which entitles the work to courtesy.

Mrs. Isabella Beecher Hooker, his wife, was a sister of Henry Ward Beecher and one of the most charming of women.

It is a most readable collection of reminicences, and no one who buys it will regret it.

MY LIFE IN MANY STATES AND IN FOREIGN LANDS. Written in the Mills Hotel in my Seventy-fourth Year. By George Francis Train. Illustrated. 12mo. Cloth.

The Midsummer Bulletin of D. Appleton & Company containing the autumn announcements of the celebrated House, contains the following statement:

"Citizen Train's reminiscences will be widely read. He has been for mors than thirty years one of the picturesque figures in America. All States have known him, and in many he has had his home. There are few lands on the globe to which he has not made journeys, few conditions of fortune he has not experienced. With a stenographer at his side, he has prepared this book during the summer now two-thirds gone. His memory has shown surprising tenacity, his mind a clearness and vigor unusual to one of his age. For a few years past his home has been in the Mills Hotel, New York city. Here he has shown the same eager outlook upon the world and man's doings in it as when he participated in the building of a railway across the distant West, became a notable figure in the Paris Commune, or sat daily among the children and the birds in Madison Square."

The same Bulletin contains a two-page illustrated and extended notice of this autobiography, with an analysis of the work and a characteristic illustration of Mr. Train in his apartment at the Mills Hotel.

Under the auspices of this House the work must have an extensive sale.

SHAKESPEARE CYCLOPEDIA AND NEW GLOSSARY. By John Rhin, Esq. The Independent Publishing Co., New York. 1902.

The students and lovers of Shakespeare's works everywhere will thank Prof. Rhin for the aid his fine work gives them.

It has been well said that "those who would enjoy Shakespeare fully must understand him thoroughly."

The ideal in the mind of Mr. Rhin, in this admirable creation, is beautifully expressed by Mary Cowden-Clarke, who says, "To read Shakespeare's works, even superficially, is entertainment; to linger over them

lovingly and admiringly, is enjoyment; to study them profoundly, is wisdom, moral and intellectual."

The changes, emendations, corrections, &c.' of the text of the plays of Shakespeare, are most confusing to the ordinary student of the Bard, and the light thrown on these changes by Prof. Rhin's book are of great value to the critical student.

There were many reasons why errors crept into the text of Shakespeare's plays, which confuse the even well-informed and careful student. Prof. Rhin has made a careful and critical study of this subject, and his chapter on the sources and causes of error in the text is a full explanation of these confusions.

The new Glossary, however, is the crowning glory of the work. It is a monument to the learning and the patient and praiseworthy labor of one who has made it a labor of love. It must have been the work of years. No glossary of the immortal bard I have ever seen is at all comparable to it.

To read Shakespeare with this guide at your hand is indeed a revelation. It explains a thousand expressions, the meaning of which has been hidden to many. The idioms and expressions and coined words of Shakespeare's time is not that of our day, and this mine and treasurehouse of the lore of the Elizabethean era has been explored, by this careful miner, into its depths. His Glossary may be likened to a calcium light that has penetrated into the darkest recesses of which we have not before had good or even scant vision.

There are many words in Shakespeare's plays, the meaning of which we do not understand,—perhaps no other author uses as many of this class of does he. For such words this work is invaluable.

The addenda is made to facilitate references to annotated passages, and cross-references of great value and utility are added.

The students of Shakespeare will thank Prof. Rhin for the care, fidelity and great study he has bestowed upon this work.

The introduction by Prof. Dowden is an admirable addition to the work. It is on the theme "The Language of Shakespeare Considered as an Encyclopedia of Cotemporary Knowledge."

Prof. Dowden is Professor of English Literature in Dublin University, and the contribution greatly enriches the labor assumed by the author.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

HON. WM. SULZER, M. C., of New York. Six volumes of the 12th Census.

PROF. DR. RICHARD BODDAERT, of Ghent. Nouvelles Etudes Experimentales Sur l'Odeme Lymphatique. (Sonder-Abdruck aus der Leyden Felsschrift.)

MICHIGAN COLLEGE OF MEDICINE AND SURGERY, of Detroit, Mich. Preliminary announcement for 1902–3.

HON. WM. P. LETCHWORTH. Transactions of the National Association for the Study of Epilepsy and the Care and Treatment of Epileptics. 1901.

KEEP-DAVIDSON COMPANY, St. Paul, Minn. The Law of Private Corporations. By Wm. L. Clark and Wm. L. Marshall. 3 Vols. Law Sheep. 1902.

THE EMPLOYERS' LIABILITY ACTS. By Frank F. Dresser.

AMERICAN LAW BOOK CO., New York and London. Vol. 3 of the work. 1901.

CENTRAL COLLEGE OF PHYSICIANS AND SURGEONS, Indianapolis, Ind. Twenty-fourth Annual Announcement. Season of 1902–3.

THEO. H. KELLOGG, A. M., M. D., Riverdale-on-Hudson. The Histrionic Element of Mental Diseases. 1902.

W. B. SAUNDERS & CO., Philadelphia and London. Morphinism and Narcomania. By T. D. Crothers. M. D. 1902.

F. M. POTTINGER, PH. D., M. D., Los Angeles, Cal. Some Suggestions Relative to the Treatment of Tuberculosis.
The Rhinologist. An Important Factor in the Prevention of Tuberculosis.
A Study of the Diagnosis of Incipient Pulmonary Tuberculosis based upon the Pathology of the Disease.
Culture Products in the Treatment of Tuberculosis.
Tuberculosis of Childhood, with Special Reference to Infection.
Things the Laity Should Know about Tuberculosis.

Philippines Law Journal. Manilla, P. I., July 1, 1902. D. J. O'Connell, Manager. Daily. $1.00 gold per month.

The Statutory Law of Corporations in Pennsylvania, by John F. Withworth and Clarence B. Miller. Table of contents.

Proceedings of the New York State Conference of Charities and Correction at the second annual session held in New York City November 19th to 22d, 1901.

GEORGE W. MARTIN. Transactions of the Kansas State Historical Society, 1901–2. Vol. VII, Topeka. 1902.

Thirteenth Annual Report of the New York Infant Asylum for the year from October 1, 1900, to October 1, 1901. July 1, 1902.

Twenty-first Annual Catalogue of the Women's Medical College of Baltimore, session of 1902–3.

OTTO F. HUNZIKER. The Care and handling of Milk. Published by the Cornell University, Ithaca, New York.

Condensed Report of the Annual Meeting of the Holstein-Friesian Association of America, Syracuse, New York, June 4, 1902.

A. A. MARKS, 701 Broadway, New York. Artificial Arms—three reasons why they should be worn.
Same. Edward Marshall with the Rough Riders. Shot-Paralyzed Amputation to enable Locomotion.

A. VAN GEHUCHTEN, Professor of Anatomy at the University of Louvain, Belgium. Le Nevraxe, Recueil de Neurologie Normale et Pathologique, Louvain, 1902.

THE SUBERS-RUSSELL MEDICINAL CO., Cleveland, O. "The Treatment and Cure of Narcotic Addictions by immediate withdrawal and De-Narcotization."

ATLANTA JOURNAL—Record of Medicine, Atlanta, Ga. Vol. IV, No. 4, July, 1902.

F. A. C. PERRINE, D. Sc. Transactions of the New York Electrical Society. Power Plants of the Pacific Coast. A paper read before the 220th meeting of the New York Electrical Society, January 15, 1902.

NEW YORK UNIVERSITY Bi-Weekly Bulletin. University Law School. Vol. II, No. 8, May 31, 1902.

DR. R. DUHOT. "Traitement de la Blennorrhagie Aigue par les Grands Lavages a l'Ichtargon." Extract from the Annals of the Policlinique Centrale de Bruxelles, November, 1901.

DR. P. TAENZER, Bremen. "On the Treatment of Blennerhoe." Special reprint from "Monatshefte für praktische Dermatologie." 1902. Vol. XXXIV, No. 7.

DR. LEO LEISTIKOW. "Treatment of Chronic Gonorrhœa."

DR. EDMUND SAALFELD, Berlin. "On the Treatment of Gonorrhœa."

DR. BERTHOLD GOLDBERG, Wildungen (Cologne). "Ichtargan in Gonorrhœa." Special reprint from the Therapeutische Monatshefte. March, 1902.

DR. CARL SCHUETZEN, Bad Koesen. "On Blood-Examinations after Ichthyol Baths." Special reprint from German Medicinal Zeitung. Berlin, 1901.

PROF. ENRICO DE RENRI, Naples. A contribution on medicamentous treatment of Tuberculosis. Separate reprint from the Berlin Clinical Wochenschrift, 1902, No. 18.

DR. A. MOSTKOFF. Contribution to the question of the effect of Ichthyol in Lung Tuberculosis. Special Reprint from the Universal Med. Central Zeitung, 1901, No. 76.

PROF. DR. H. PAGENSTECHER, Weisbaden. Extract from the 45th Annual Report of the Eye Infirmary for the Poor. 1900.

DR. AUGUSTO SPARIGIA, Rome. Ittargano Argentum-Tyo-Idro-Carburo-Sulfonicum. Extract from "Il Policlinicum di Roma." Anno VIII, Fasciolo X, 1902.

[The last ten pamphlets received through Cordes Hermanni & Co., Hamburg, Germany.]

THE SCROLL, (of Phi Delta Theta,) Vol. XXVI, No. 5, June, 1902.

SIXTEENTH BIENNIAL REPORT of the Trustees, Superintendent and Treasurer of the Illinois Northern Hospital for the Insane at Elgin, July 1, 1900.
HON. GEO. F. HOAR, U. S. Senate. The American Army in the Philippine Islands. Speech in the U. S. Senate.

MAGAZINES.

THE AMERICAN JOURNAL OF INSANITY; The July number of this Journal opens its 59th volume. What a retrospect such a journal presents in the history of the medical jurisprudence of insanity! It is now published by the Johns Hopkins press, at Baltimore, Md., and its editors are Henry M. Hurd, M. D., of that University; Edward N. Brush, M. D., G. Alder Blumer, M. D. and J. Montgomery Mesher.

Walter D. Berry, M. D., contributes an interesting and valuable paper entitled "Medico-Legal Phases of the Vermont Observation Law for Criminal insane," quoting Hughes on expert testimony, Dr. Allison as to the percentage of insane persons who had been connected and sentenced for homicide as 53 per cent. out of 179 committments.

Paul Garnier's Report made to the Anthropological Congress, at Brussells, of insane who had been condemed in France and afterwards sent from the various prisons of the Department of the Insane, for examination, that 255 of these were found, on examination, to be insane. He also quotes Dr. Metzger's report on an investigation of 400 admissions to the asylum for the Insane Criminals of that state, after an analysis that out of the 400 men 216 were apparently irresponsible at the time they were tried only 40 of whom were recognized as such by the tribunals.

Dr. Berry cites cases of the practical operation of the Vermont law and sums it up that the statute is conservative and rational, that it insures a fair trial, that irresponsible persons are less liable to be convicted and is a public safe guard against the improper use of the plea of insanity.

THE "ARENA" for September contains articles by President Miller, who discusses "The School in the Promotion of Progress;" Prof. Stimson, who has a "conversation" on "Art for America;" "Newspaper Criticisms of Public Men," by Duane Mowry, LL. B.; "Our Duty in the Danish West Indies," by Hrolf Wisby; "The Philosophy of Genius," by Prof. Merwin-Marie Snell; "The Mask of Charity," by Joseph Dana Miller; "Humanity's Part in the Labor Problem," by George F. Spinney; "The Criminal Classes," by Adelle W. Wright; "Extreme Utilitarianism," by W. H. Dilworth; "The Great Conjunction," an astrological story by Florence Peltier Perry; "The Cry of the Children," by B. O. Flower.

PHRENOLOGICAL JOURNAL. Fowler & Wells Company, 24 East 22d street, New York City.

The September number contains an interesting article on "Making the Mind King," illustrated with portraits of Lord Kelvin. The question is asked "Shall We Work and Live Without Talking?" by F. G. Fairfield. "How Shall We Study the Mind Through the Brain and Skull?" is an article that is illustrated by the life and work of the late John Mackey. Health Problems are discussed by Dr. E. P. Miller, Dr. C. H. Shepard and the late Dr. M. L. Holbrook, and an illustrated article on "Physiognomy" by C. T. Parks, completes the number. 10 cents monthly. $1.00 per year.

PUBLIC OPINION. 32 Waverly Place, New York City. $3 a year.

This superb journal, founded in 1886, now in its 33rd volume, is one of the best periodicals of the weeklies. Its articles are of the highest order of literary excellence.

The announcements in foreign papers of merit are translated and digested for its columns. It discusses with vigor the prominent current questions of the week, in both American and foreign countries.

Its articles on sociological questions are of great interest. It has a department on Letters and Art, one on Scientific, and one on Religious themes. Each number also contains selections under the head of "Miscellany," and one entitled "The News of the World."

It is of the greatest value to editorial workers, or to people of literary, scientific and artistic tastes.

THE LITERARY DIGEST. Funk & Wagnalls Co., 30 Lafayette Place, New York City. $3.00 per annum. 10 cents a copy.

This journal is one of the most readable, interesting and desirable of the high class weeklies. We should not dare to attempt to dispense with it.

Its Headings or Departments, in each number, are splendidly edited, full of interest and quite *au fait* in all current questions and events. There are "Topics of the Day," original editorial work on questions of the hour, "Letters and Art," "Science and Invention," "The Religious World," "Foreign Topics" and Mifcellaneous.

We know no weekly at all comparable to it, save "Public Opinion," and it is a long way in advance of any other of the weeklies for literary, artistic ar professional people.

GAZETTE DES HOPITAUX (*The Freneh Lancet*) CIVILS ET MILITAIRES. 49 Rue St. Andre, Paris. 25 francs per annum.

This admirable journal appears three times each week and is a resume of the work of the hospitals, civil and military, of France. It reviews works on various subjects and is in touch with current medical and surgical literature and makes a record of scientific news and events.

In its issue of August, 1902, at page 886, it notices, under the heading of "Medecine Legale," announcements of two cases bearing on the question of producing anæsthetic effect during sleep.

The question is often presented to the tribunals as a defence or explanation of alleged robberies, where the parties claim to have been robbed while sleeping, by the alleged administration of anæsthetics, without their knowledge; and while it expresses no opinion it quotes Cleveland Medical Journal of June, 1902, in which Dr. Stone Scott reports that he has succeeded in putting a young girl of twenty-one years of age, on whom he intended to operate, under the influence of chloroform, and successfully completing his operation without her knowledge.

He reported that, finding the patient sleeping and fearing she would not consent to the operation (upon a white woman on the right knee) he made the attempt to administer chloroform without awakening her, by giving it little by little, and succeeded.

He also notices an analagous case, occurring in a hospital in Cleveland, where a member of the staff, finding his colleague sleeping, as an experiment and as a joke successfully placed him under the influence of chloroform, and showed him in this condition to his associates, without the knowledge of his associate.

Dr. Stoue Scott expresses the opinion that this could not be done with ether.

Taughs reports of three cases where he had succeeded with young children from five to nine years of age, but not with adults.

The case is interesting, as quoted by Dr. Stone Scott, but it would hardly warrant a reconsideration of what has been a very well settled opinion of many years standing, in the world of medico-legal science, that as a defense or in a criminal case, it is not possible to create sleep by chloroform as a means to a robbery.

Dr. Stephen Rogers, before the Medico-Legal Society of New York more than twenty-five years ago, denied the possibility of such a result, and the challenge was sent to the world of science to find one well-authenticated case.

No such case has ever beeu presented up to this time. It may be considered as quite settled that a claim made by one who alleges that he has been robbed by some one who has placed him under the influence of chloroform, without his knowledge, is not entitled to credit.

It is quite common for those who have simulated sleep, and who have themselves stolen the missing articles to make this claim, as the ignorant consider it plausible, and spilling a little chloroform is quite easy to corroborate such a claim.

The case cited by Dr. Stone Scott is interesting as bearing upon the question, because the operation successfully performed would eliminate any possibility of shamming sleep, which the other cited cases would not.

MEDICAL JOURNALS FOR AUGUST.—We give a list of the authors and titles of articles in the following named medical journals for August:

Medical News, New York.—Psychology of the Pancreas, by Russell H. Chittenden; Some Aspects of the Pathology of the Pancreas from the Standpoint of Recent Investigations, by George Blumer; Hemorrhagic Pancreatitis, Operation, Recovery, by William A. Batchelor; The Significance of Glycosuria, by Warren Coleman; Some Etiological Factors in Diseases of Women, by E. K. Browd; Note on the Administration of Water in Disease, by G. Frank Lydston; Report of Two Cases of Temporary Hypertrophy of Glands of the Skin of the Axilla in Puerperæ, by C. S. Bacon.

Boston Medical and Surgical Journal.—The Present Status of the Pessary in the Treatment of Displacements of the Uterus, by F. H. Davenport; Electricity—Its Use in Gynecology, by W. H. White; Multiple Fibroids of the Uterus; by Samuel Breck; A Self-retaining Tongue-depressor, by Harris P. Morris; A Variety of Skin Lesions treated by X-Ray, by Edith R. Meek.

American Medicine, Philadelphia, Pa.—Treatment of Calculus of the Lower End of the Ureter in the Male, by Hugh H. Young; The X-Ray Treatment of Carcinoma, by Wallace Johnson and Walter H. Merrill; A Note on the Ophthalmoscopic Appearance of the Normal Fovea, by Howard F. Hansell; Epiphenomena of Cerebral Hemorrhage, by F. Savary Pearce; A Case of Secondary Anemia of the Pernicious Type Associated with Marked Jaundice—Rapid Recovery, by Eleanor C. Jones; A Consideration of the Etiology of the Mucuous Colitis, by John A. Lichty.

New York Medical Journal.—Diagnosis in Abdominal Lesions (to be concluded), by Thomas H. Manley; Primary Epithelioma of the Uvula and Soft Palate and Treatment with the Roentgen Rays—report of a case, by James F. McCaw; Some Cases of Sympathetic Ophthalmia, by N. D. McDowell; The Vaccination Question, by Theresa Bannan; The Successful Treatment of Hay Fever, by J. Wilkinson Jervey; Traumatic Abscesses and Necrosis of the Nasal Triangular Cartilage with Report of Cases and Special Treatment for Prevention of External Deformity, by Robert C. Myles; A Noteworthy Case of Aortic Regurgitation, by Leo Jacobi; The Importance of Individual Predisposition in the Development of Tuberculosis with some remarks on the Relation of Metabolism to Human Susceptibility, by H. Edwin Lewis; The Antiseptic Treatment of Rectal and Genital Chancroid, by Sinclair Tousey; A Fluoroscopic and Percussion Sign of Pleuritic Effusion Hitherto Undescribed—report of two illustrative cases, by Charles Lyman Greene; Report of a Case of Successful Removal of the Cecum and Ascending Colon for Adenocarcinoma, by J. B. Boucher; The Maturation of Ova in Kelation to Puberty and the Menopause, by Jennie G. Drennan; Artificial Respiration in an Asphyxiated New-born Babe, by George W. Greene.

Medicine, Detroit, Mich.—The Intercommunicability of Human and Bovine Tuberculosis (continued) by Mazyck P. Ravenel; Exophthalmic Goitre, by L. Harrison Mettler; Congenital Dislocation of Hips—with report of case and description of a Pelvis obtained three years after suc-

cessful reduction by the Lorenz method, by Edward H. Ochsner; The Neurologic Diagnosis of Traumatic Lesions of the Spinal Cord, by Frank Parsons Norbury.

Canadian Journal of Medicine and Surgery, Toronto.—Recent Scientific Studies Regarding the Etiology and Treatment of Consumption, by L. H. Warner; Some Comparative Results of the Medical and Surgical Treatment of Appendicitis, by J. P. Armour.

Journal of Tuberculosis, Asheville, N. C.—Intratracheal Injections in Phthisis Pulmonalis, by Willis S. Anderson; Epidemic Influenza Considered in Relation to Quarantines Against Tuberculosis, by A. J. Comstock; The Relation of Scrofula to Tuberculosis, by Carolus M. Cobb; The Differentiation and Diagnosis of Tuberculosis and Phthisis, by M. J. Brooks; Light—Its Therapeutic Importance in Tuberculosis as Founded Upon Scientific Researches (continued), by J. Mount Bleyer; A Study of the Diagnosis of Incipient Tuberculosis Based Upon the Pathology of the Disease, by F. M. Pottenger.

Clinical Review, Chicago.—Filariasis, by John P. Lord; Clinical Report of Strabismus Cases, by J. Elliott Colburn; Clinical Lectures Upon the Etiology, Pathology, Diagnosis and Treatment of Tumors, by A. H. Levings; Malignant Disease of Kidney in Children—report of case with operation, by J. F. Parey; Pathological Report, by William H. Welch.

Brooklyn Medical Journal.—Erythematous Rashes, Simulating the Acute Exanthemata, by James M. Winfield; The Pathology of Cholelithiasis, by Richard W. Westbrook; Divided Examinations of License, by Joseph H. Raymond; Some Considerations of the Operation of Resection of the Superior Maxilla, by M. Figueira; The Prognosis of Appendicitis, by Walter C. Wood; Early Diagnosis of the Acute Infectious Exanthemata in Children, by C. Le Grand Kerr.

St. Louis Courier of Medicine.—Malaria: Marked Cerebral and Spinal Symptoms, Kernig's Sign Present, Double Tertian, by John T. Moore; Complications in Some Cases of Typhoid Fever, by Frank Hinchey; A Case of Abdominal Sarcoma in a Boy, by H. L. Nietert; The Subcutaneous Use of Paraffin in Deformed Noses—report of a case, by Hal Foster; A Case of Epilepsy, by E. C. Runge; Workings of Medical Law, by G. F. Johnston; Necropsy in Heart Disease, by Louis Rassieur.

Journal of Nervous and Mental Disease, New York.—Poliomyelitis of the Adult, by E. W. Taylor; Epilepsy in Its Relation to Crime. by William P. Spratling.

Illinois Medical Journal, Springfield.—The Stokes-Adams Sydrome—with report of two cases, by Frank Billings; Report of a Congenital Dislocation of Both Hips, by Edward H. Ochsner; Alcoholic Neuritis with the report of a case, by C. Martin Wood; The Physician and the Illegitimate Child, by Hastings H. Hart.

Bulletin of the Johns Hopkins Hospital, Baltimore.—A New Method of Pyloroplasty, by J. M. T. Finney; The Surgical Treatment of Tuberculous Adenitis, by James F. Mitchell; The Leucocyte in the Summer Diarrheas of Children, by J. H. Mason Knox, Jr., and Louis M. Warfield; Typhoid Fever—report of a case with three relapses—remarks, by Louis M. Warfield; The Clinical Value of Oliver's Hæmocytometer, by Walter Baumgarten.

Albany Medical Annals.—Aneurism of Thoracic Aorta—fourteen cases with seven autopsies, by Hermon C. Gordinier; Surgical Treatment of Urethral Stricture, by Douglas C. Moriarta; The Influence of the Discovery of the Relation of Bacteria to Disease on the Practice of Medicine Exclusive of Surgery (continued), by H. Judson Lipes.

HON. WILLIAM W. GOODRICH.
Presiding Justice.

HON. JOHN WOODWARD
Associate Justice.

HON. MICHAEL H. HIRSCHBERG.
Associate Justice.

NEW YORK SUPREME COURT.

Appellate Division—Second Department.

1902.

[From advance sheets of the Supreme Court of the States and Provinces of North America.]

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HON. WILLARD BARTLETT.
Associate Justice.

HON. ALMET F. JENKS.
Associate Justice

NEW YORK SUPREME COURT—APPELLATE DIVISION.
1902.

[From advance sheets of the Supreme Court of the States and Provinces of North America.]

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SUPREME COURT.

THE JUDICIAL HISTORY OF THE STATE OF NEW YORK.

BY CLARK BELL, ESQ., LL. D.,
Of the New York City Bar.

The Empire State bears a like relation in contrast with the other States of the American Union when we speak of its judicial history, that it does when regarded in every other aspect.

It was among the foremost of the thirteen American Colonies in its influence, power and relative strength.

It occupied a commanding position on the Atlantic Ocean. It commanded and controlled the commerce of the new Western world. It became the leading factor in the establishment of the American Union, and was ever regarded by the foreign powers who took an interest on this continent, as the most important of the American Colonies.

As an American State, in all questions of law and judicial systems and procedure, New York has held without a rival this pre-eminence in its judicial history and judicial evolution, as well as in keeping pace with the progress of those events that welded the early colonies into that solidified nation, which now at the opening of the 20th century, commands

the admiration, respect and wonder of the civilized world.

The judicial system of the State of New York, as has been well said by another, "has been a growth."

It has been the unfolding, the development and the growth of those principles, which underlaid the foundation stones of the Colonies, and which came into full flower and fruit, only at the founding of the American Republic, when the restraints to full expression of views and rights were brushed away and thrown aside at the birth of a nation, based on the rights and power of the people to govern themselves, wholly free from any foreign influence, power or domination.

There was a wide difference in the estimation of the early settlers of the New Netherlands, of the rights of man and his relation to the parent country, from those of all New England, except perhaps, Rhode Island and that part of Connecticut, formerly under the grants given to New Netherlands by the Dutch.

The parent country, for the early settlers of Manhattan, was the Dutch Republic, which had, under its constitution, maintained the freedom and liberties of its people for nearly a century, when their fathers built the first fort on the Island of Manhattan.

While the Dutch companies gave the settlers courts of justice modelled on Dutch laws and Dutch ideas, the appointments of the executive, the judicial power, and officials to administer them, was reserved in the Governor and Council, which the Company named under the authority of their private grants, or those whom the Staats General sent out.

In the New England colonies, this power to name the Governors and Council was retained in the English Crown, and these officials reflected and asserted only those views of the rights of men, as interpreted by those allied to and subjects of the English throne.

The idea of popular right to either enact laws, select judges or administer their affairs, was never for a moment considered or acknowledged in Westminster Hall, while these rights were never denied, sometimes delayed, but always fostered and exercised paternally in Amsterdam by the government of the Dutch States.

Fifty years of Dutch rule over the settlers of Manhattan and the New Netherlands, served to plant more deeply in the soil and mingle with the atmosphere and daily life of the early settlers of New York, those principles, which lay at the corner stone of the constitution of the Dutch Republic before the Half Moon sailed up the Hudson, and which had been constantly denied and always resisted at Westminster.

They at last became the central ideas of American independence and liberty; when the framers presented to the world in the Declaration of American Independence, the crystalization of the rights of man which had formed in the constitution and laws of the Dutch Republic, the foundation of human liberty in the Netherlands; a government which must always command the respect and admiration of the student of the rights of man, and which our fathers took as their guide in the creation of a new nation in the Revolution of 1776.

In a work that is to give the history and growth of the supreme judicial power of such a great State as New York in "The History of the Supreme Court of the States and Provinces of North America," as originally contemplated; it is no easy task to compress into a suitable space in such a project, what it is essential to present; if the work contains a sketch and a portrait (if accessible), of every judge who has sat upon the Bench of the Supreme Court; because of the large population and the relative comparative importance which this great State has borne in the American Nation, since the colonies threw off their allegiance to the British Crown, and entered upon the higher and more en-

nobling work, of not only creating a great nation, but of securely intrenching on immutable foundations, the principles underlying the Declaration of American Independence.

It is more of a task to-day to correctly describe the history of one of the eight Judicial Districts into which New York has been divided for so many decades, since the constitution of 1846: than it is to give a like history of some of the new States of the West, that have come into the American Union within the last quarter of a century, if we regard the number of judges who are to be portrayed, and the difficulties and embarrassment of obtaining portraits of the earlier or later judges, presenting greater obstacles than were considered possible when the work was in its inception.

Following the plan of the work in those States which have been already undertaken, New York must, in its judicial history, be considered under two general aspects: 1st. The Colonial Period, and 2nd, The Period of Statehood.

THE COLONIAL PERIOD.

The Colonial Period must also be subdivided:

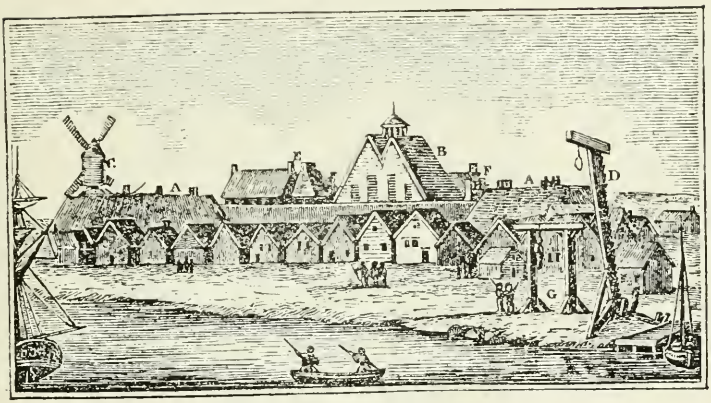
1. The judicial history of the Island of Manhattan and of New Netherland, under the Dutch rule.
2. Of the Same, under the English rule as a colony.
3. The Revolutionary Period, and
2. The Period of Statehood on and after the adoption of the Constitution of the United States of America, under the first Constitution of the State in 1777.

CHAMPLAIN'S MAP OF NEW FRANCE 1632

VIEW OF THE CITY OF NEW AMSTERDAM.

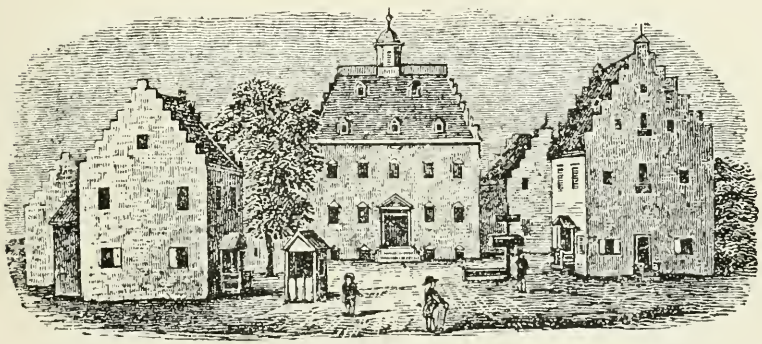
From the plate in the State Library, at Albany.

GOV. PETER STUYVESANT.



Nieuw Amsterdam, in 1659.

[A, the fort. B, the church. C, the wind-mill. D, the flag, which is hoisted when vessels arrive in port. E, the prison. F, the house of the general. G, the place of execution. H, the place of expose or pillory.]



Stadt Huys, built 1642—*razed* 1700.

DAVID PIETERZ DE VRIES.
Governor of New Amsterdam.

JUDICIAL HISTORY OF NEW YORK UNDER THE DUTCH RULE.

While it is beyond doubt that Sebastian Cabot, a Venetian sailor, in 1498, while in the service of King Henry VII., of England, coasted along the eastern shore of the Atlantic, North and South of the Bay of New York, it is not certain that he made any landing on the soil of New York. Prior to this voyage he had visited Labrador; discovered New Foundland, and sailed as far south as the capes of Florida; although he made occasional landings, the places cannot be determined; and while he claimed to take possession of the whole country in the name of the King of England, it is doubtful if he landed on New York soil. Four years later John Verazzano, sailing in a French ship and in the service of King Francis I. of France, visited the same coast, made a landing and reported his voyage. It is difficult to determine from his report where he actually landed, and it is doubtful if he landed on the soil of New York (1)

In 1609 Henry Hudson, an English captain, and an experienced navigator, then in the service of the Dutch East India Company, on September 3rd, of that year, dropped anchor in the lower Bay of New York harbor, near Sandy Hook, landing first on the New Jersey side of the bay, but finally sailed up the Hudson River, reached Hudson the latter part of that month, and made a landing at Albany. He left the Bay of New York on October 4th, of that year, and

NOTE (1.)—The discovery of America by Columbus, in 1492; by Vespucci, in 1504; of Greenland by the Danish navigators from Iceland, five centuries before; of John Cabot in 1496, and his son Sebastian in 1497 and 1498; of Gaspar Corlenal, of Portugal, in 1501, and of Cahal, of Portugal, who reached Brazil; the hardy fishermen of Brittany who discovered Cape Briton, and named it; of Harfleur, who gave the first map of the St. Lawrence River in 1504 and 1506; of Juan Ponce de Leon, at Porto Rico, in 1512; of Vasquez de Aillon, of Spain, of the South Carolina shore in 1521; of the conquest of Mexico, by Cortez; of Venasgani, an Italian, for France, in 1524, coasting the shores of New England and the Island of Nova Scotia, only served to stimulate and excite the field of adventure and discovery, that resulted in the practical work of Hendrix Hudson in the planting of a settlement on the Island of Manhattan and its bay, which lay along the eastern coast of what is now the State of New Jersey.

to him must be awarded the honor of the discovery of the river that bears his name, and the State which lies along its shores. Meeting with mutiny in his crew, his vessel, the "Half Moon," was detained in England, but he finally returned to Holland.

Dutch merchants from Amsterdam, the next year, 1610, made a landing at New York and at various points on the river, and in 1614 erected two forts, one at Fort Orange at Albany, and one called New Amsterdam, on Manhattan Island.

A trading house was erected on the southwest corner of the Island of Manhattan, near the fort, and the whole country claimed by the Dutch, including what is now the State of New Jersey, all of which they called New Amsterdam, to which emigrants flocked and settlements were made along the river.

These emigrants, Hollanders, with a few Danes and Norwegians, crossed the Hudson River and settled in Bergen county, which closely resembled Holland in its topography. (2)

The English claimed title by the right of the discovery of Cabot, and by claiming that Hudson was an Englishman, although in the service of a Dutch Company. The Dutch claimed through the discovery of Hudson, and in the service of a Dutch Company, and were in actual possession.

The policy of the Dutch Government was to encourage Dutch merchants to form companies for exploration, found settlements, and to establish trading posts with the Indians along the river inlets and bays on the water fronts, at the outset, rather than to colonize; and thus to encourage and foster emigration for business and commercial purposes, and to build up a lucrative trade for their merchants.

This system was pursued with great energy until 1614, when the States General issued a decree, giving to the dis-

NOTE (2.)—In 1614, six years after the settlement of Virginia, a grant was made by the "States General" of Holland to The United New Netherland Company. The interests o this Company were subsequently transferred to the "Dutch West Indian Company."—*Hamilton's History of the United States, Vol. I, p 5.*

coverers of "new passages, havens, lands or places," the exclusive right of navigating to the same for six voyages. This was a great stimulus to emigration. The Government, however, on October 11, 1614, gave a charter to the United New Netherland Company,* "with a monopoly of the trade to the region" between New France and Virginia, being the sea coast between 40 and 45 degrees," which was then first officially called New Netherland, which charter expired by its own limitation January 1, 1618.

Upon the question of title the Dutch made their claim of title by purchase higher than by discovery. The Island of Manhattan was purchased of the Indians by Peter Minuit, who gave sixty gilders for it, $24.00 in gold.

The charter to the New Netherland Company provided for a parental government for the settlers, by an administration of the laws of the parent country, by the authorities it authorized, and which the Company were empowered to provide and appoint; and it was intended by this charter to confer upon the various settlements, local governments similar in organization to those then existing in the United Netherlands. The Walloons settled near Albany, on the South River on Long Island, and on the Island of Manhattan.

Peter Minuit first combined these communities in a single government of which he was made Director-General in 1624.

"A Charter of Privileges and Exemptions" was issued by the College of Nineteen, January 7, 1629, which vested feudal powers in any member of the Company who should purchase lands of the Indians and found a colony in any part of New Netherlands except Manhattan.**

* A copy of this grant will be found in *fac simile* in Judge Charles P. Daly's article, "State of Jurisprudence During the Dutch Period," Bench and Bar of New York, Vol. 1, page 3.

** The Executive Government of this great Company was entrusted to nineteen delegates who represented conjointly all the five separate chambers and the States General, and it was called the "College of Nineteen." One of these five chambers was called the "Amsterdam Chamber," and to this Chamber was committed the management of the New Netherlands, and all judicial legislation and executive power were vested in this Chamber and in the College of Nineteen.

Under this charter the Patroon and Tenant System was introduced, and the Patroon of Rensselaerswyck established a Manorial Court. Leading Directors purchased enormous tracts of land and seized the trade. Abuses under Van Twiller's rule, were corrected by his successor, Kieft, under whose administration it was really all moulded into a province composed of Hollanders, Waldenses, Huguenots, Walloons and English settlers.

Kieft, when the Indian disturbances became serious, called the people in counsel and created an advisory board of twelve men of which David Pietersen de Vries was made chairman.

They resisted the policy of the Director General and he abolished the Board.

Fresh Indian massacres and hostilities compelled the Director-General to again call the people in Counsel and a new Advisory Board of eight men was created, of which Cornelis Melyn, of Staten Island, was made president in 1644.

The Board of 1635 contained among its members John Underhill, of the English element, and George Baxter, a leader of the Baptist colony at Gravesend.

The war with the Indians resulted most disastrously to the settlements, many of which were destroyed, but the war ended September, 1645, in which 1600 Indians were killed, but scarcely a hundred settlers remained on Manhattan.

The Board of eight men opposed the policy of Kieft, who imposed taxes without their consent and they successfully demanded his recall, and Stuyvesant was sent out as Director General, to succeed Kieft, who sided with Kieft against the burghers, and he called upon the English for aid in the controversy that ensued.

He was unable to compel the council to submit to taxation without their consent, and he made a new advisory board of nine men. He aroused great antagonism among the people who appealed to Holland successfully, the States

General making an order or decree directing the establishment of Burgher Governments.*

These exercised judicial powers and established courts or tribunals.

In 1664 a general convention was called in February of all the Dutch towns and communities at which the manor of Rensselaerswyck was represented, which assumed the character and power of a Dutch Diet.

Jeremias Van Rensselaer was chosen president, who assailed Stuyvesant's government and management of affairs.

The Dutch States General in 1614 granted a charter to Hendrix Christiane, with trading grants to Dutch merchants who brought out new emigrants, and while the English claimed sovereignty and protested to the Dutch Government that their settlements were an invasion of English rights, the Dutch Government ignored the English claim, and advanced their claim from Delaware Bay to New England.

The Dutch settlers built a block house at what is now Jersey City, and founded a settlement at Bergen, and extended into Morris County, where their descendants established churches and kept up Dutch customs and preserved that language among the people.

The Dutch Company, with the encouragement and protection of the Home Government, recognizing the importance of these colonies, sent out Governors to rule them, and built up a large trade with all Europe between these colonists in New York and New Jersey and the aborigines.

Charles I. of England, made no hostile demonstration against the Dutch until 1634, which was then a weak and unsuccessful effort.

On June 21, 1634, a Royal Charter was granted by the English Government to Sir Edwin Ployden over the country

* A *fac simile* copy of the letter of Advisory Board of nine men is given by Judge Daly in his article, vide Vol. 1, Bench and Bar of N. Y., p. 12.

occupied by the Dutch settlers, and from the Delaware River at Cape May.

Under this charter Sir Edwin attempted to enforce his claim as Governor, but it was not recognized by any Dutch settler.

Prior to the grant to Ployden, the Dutch Government had invested the West India Company with important grants and powers, which were asserted through Captain Cornelius Jacobus in May, 1621.

The West India Company made large grants of lands under this charter, and the Dutch Government exercised full power and control over the whole country. Courts were established under patents issued by the Governors, both in New York and in New Jersey.

This state of things continued until 1633-4 when the charter was granted by Charles the Second, to the Duke of York, of all the country, so in the possession of the Dutch both in New York and in New Jersey.

This action was backed by an English fleet with soldiers and guns, taking out Col. Richard Nichols, appointed as Governor by the Government of England.

Governor Peter Stuyvesant surrendered on September 3, 1634, and on September 24th Fort Orange surrendered, and the Dutch rule ended after an existence of half a century without bloodshed.

In March, 1672, England declared war against Holland, a Dutch fleet on July 30, 1673, recaptured New Amsterdam and New Jersey.

A general war in Europe followed, terminated by the Treaty of Peace at Breda of 1667, which continued the English authority in the colony. New Amsterdam was changed to New York, New Netherlands to New Jersey, Fort Orange to Albany, and the English language was authorized in the courts and in the statutes, the final terms of capitulation settled by a commission of six representatives of each nation.

No record has been preserved of the administration of justice under the first Dutch Governors May, Minuit and Van Twiller. The grants made by the Dutch Governors to the patroons in New Netherland invested them with authorities to erect courts of justice, and even invested their patroons with the power of inflicting capital sentences. In several cases the judgment of the patroon, when exceeding fifty gilders, was subject to an appeal to the Directors General and Council of New Amsterdam, but it is a fact that this right to appeal was of no avail, because the tenants were required to sign a stipulation in their leases waiving it. Governor Kieft, appointed in 1638, reduced his Council to one member, and reserved his vetoes to himself, and the colonists were unable to obtain the establishment of courts of justice under this Governor like those in the mother country. Under Governor Stuyvesant the administration of justice was vested in certain of the Company's officials, subject to the Governor's approval in important matters. Afterwards in Councils elected by the people of the colony, from whose action an appeal lay to the Governor and his Council of State, which was unsatisfactory to the people, and in 1650 the Dutch Company ordered the establishment of a new court consisting of two Burgomasters, five schepens and a schout, according to the home custom, with an appeal to the Supreme Council.* These magistrates in New Netherland at home were elected by the commonalty, but Gov. Stuyvesant usurped the appointment of them in his colony. This body exercised not only judicial, but legislative and executive functions. Chief Justice Charles P. Daly, in his work on the judicial organization of New York, says of these magistrates: "It is impossible not to be struck with the comprehensive knowledge they display of the principles of juris-

*The order of the Amsterdam Chamber to the Governor, Stuyvesant, was that the inhabitants of New Amsterdam were to be allowed to elect a Schout, two Burgomasters and five Schepens, "as much as possible according to the custom of old Amsterdam," and the officers thus elected were to compose a Municipal Court of Justice subject to the right of Appeal to the Supreme Council of the Province.

prudence and with the directness and simplicity with which legal complications were conducted. In fact, as a means of ascertaining the truth and doing substantial justice, their mode was infinitely superior to that introduced by their English successors." Irving Brown, in his admirable sketch of the judicial history of the Dutch Colonies, says in speaking of these magistrates: "None of these Dutch magistrates were of the legal profession, they were all ignorant in legislation, and yet they appear to have been well versed in the Dutch law, and thoroughly acquainted with the commercial usages, customs, and municipal regulations of the city of New Amsterdam. This is the more remarkable, as a knowledge of the Dutch law was by no means easy of acquisition," and Judge Daly, in his same work, says of them: "All these men, as far as can be gathered, were men of intelligence, of independence, and, with one or two exceptions, of high moral character, evincing in the discharge of their duties, and especially in those of a judicial nature, that unswerving adhesion to established rules and customs, that sterling good sense and strong love of justice which is so marked a feature in the Dutch national character."

These courts sat once a fortnight, sometimes once a week. The court messenger summoned the defendant to appear on the next court day at the oral request of the plaintiff. If the defendant did not appear the summons was repeated twice, if necessary, but on the third summons the court pronounced judgment. They might be sworn and witnesses might be examined. The defendant could demand written pleadings to be made. The court had the power to appoint arbitrators. The resort to arbitration was the most usual. This court had the power to take evidence by deposition and to issue commissions; books of account were received in evidence and the proceedings were very informal. These courts had the power of ordering separations between husband and wife, and divided the children and

property between the parties. No money damages were allowed for injuries to person or character, but offenders were punished by fines or imprisonment, and in some cases the court compelled the offender to recant in open court, and in extreme cases to kneel down and ask pardon of God and the complainant. They exercised the power of granting bail in criminal cases, except in murder, rape, arson or treason. The punishments were by fines, imprisonment, the pillory or death, but the death sentence could not be executed without the consent of the Governor and Council. These Burgomasters and Schepen courts, the patroon courts and the Appellate Courts of the Governor and Council at New Amsterdam constituted the tribunals of justice until the colonies came into the possession of the English in 1634.**

Civil, or constitutional government, was established in this State by the Dutch in 1621. The Government under the Dutch rule consisted of a Director-General, or Governor, and Council, who exercised executive, legislative and judicial powers. The Dutch Roman law, and the ordinances enacted by them, from time to time, constituted the law of the country, and appeals from the judgments of the Court of the Directors and Council lay to the States-General, or the Court of Holland. Many impediments were, however, thrown in the way of such appeals.

In later years, slight concessions to the people were granted. The City of New Amsterdam, now New York, was incorporated in 1653, and local or Inferior Courts, with limited jurisdiction, were established, subsequently, in various towns throughout the country. A convention of delegates at New Amsterdam in 1653, demanded the introduction of a

**Unlike the other Colonies under English rule, the people had, under Dutch rule, a voice in the selection of these officials.

It was intended that their rights should be those enjoyed by the Dutch people in Amsterdam. Governor Stuyvesent, however, resisted constantly, so far as he was able, the popular right to a voice in the selection of these Judges, but it was in violation of the Dutch Law of the Netherlands and contrary to the directions of the Amsterdam Chamber, and an encroachment upon the rights which every colonist knew was his right under Dutch law.

repesentative form of government, and some share by the people in the enactment of the laws, but this boon was peremptorily refused.

SCHOUT-FISCALS.

This officer acted in a double capacity—as Attorney General and Sheriff. He arrested, examined and afterwards prosecuted all law-breakers. In grave cases, where there existed just suspicion, but no direct evidence of the prisoner's guilt, he had the latter subjected to torture, which was done in his presence, and that of a magistrate, in order to elicit confession; but in case the prisoner did not then confess his guilt, he could not be again subjected to that ordeal. It was also his duty to prevent all detriment to the public fisc, or treasury, by smuggling or fraud, and to enter suits for the recovery of quit rents or other revenue. In his capacity of Sheriff, he executed the judgments of the Supreme Court, both in civil and criminal cases, and then was allowed deputies. He had a voice in the enactment of all laws and ordinances, and a seat in the Council, except when he officiated as prosecuting officer.

The following is a list of these officials with the dates of their service:

Jan Lampo,	1626.
Coenraad Notelman,	1632.
Lubertus van Dincklage.	1633.
Jaques Bentyn,	1636.
Ulrich Lupold,	March 28, 1638.
Cornelis van der Huyghens,	July 13, 1639.
Hendrick van Dyck,	May 22, 1647.
Cornelis van Tienhoven,	March 27, 1652
Nicasius de Sille,	June 26, 1656.
William Knyff,	December 15, 1673.

THE COUNCIL.

The Council were appointed by the Chamber of Amsterdam, or the College of Nineteen. They acted as an executive council and a Supreme Court, with

Admiralty and Appellate jurisdiction. Appeals lay to them from decisions of local or inferior courts. The members could not be sued before, and were not amenable to, such inferior courts. Their independence of the Governor was, however, very trifling; they may be said, indeed, to have held their office purely at his pleasure.

In extraordinary circumstances, it was the custom to adjoin the colonists, or public servants, to the Board, and the captains of the West India Company's ships, when on shore, had a voice in the Council. The Schout-fiscal, (or public prosecutor), had a seat, but no vote in the Board, and when he acted as prosecuting officer, he retired from the Bench.

MEMBERS OF THE COUNCIL.

1626—Isaac de Rasieres, Peter Blyvelt, Jacob Elbertsen Wissinck, Jan Jansen Brouwer, Symon Dircksen Pos, Reynert Harmansen.

1630—Peter Blyvelt, Reynert Harmansen, Jan Jansen Myndertsen, Jacob Elbertsen Wissinck, Symon Dircksen Pos.

1633—Jacob Jansen Hesse, Martin Gerritsen (van Bergen) Andries Hudde, Jacques Bentyn.

1636—Andries Hudde, Claes van Elslant, Jacobus van Curler.

1638—Johannes La Montagne.

1639—Johannes La Montagne, Ulrich Lupold.

1642—Johannes La Montagne.

1647—William Kieft, ex-Director, Lubertus van Dincklage, Vice-Director; Johannes La Montagne, Brian Newton, Paulus Leendertsen van der Grist, Jacob Loper, Jelmer Tomassen Jan Claessen Bol, Adriaen Keyser.

1648—Lubertus van Dincklage, Johannes La Montagne, Brian Newton, Paulus Leendertsen van der Grist, Adriaen Keyser.

1650—Lubertus van Dincklage, Johannes La Montagne, Brian Newton, Adriaen Keyser.

1652—Johannes La Montagne, Brian Newton.

1653—Johannes La Montagne, Brian Newton, Cornelis van Werkhoven, Nicasius de Sille, first Councillor.

1655—Nicasius de Sille, Johannes La Montagne.

1657—Nicasius de Sille, Peter Tonneman.

1658—Nicasius de Sille, Peter Tonneman, Johannes de Decker.

1659—Nicasius de Sille, Peter Tonneman, Johannes de Decker, Cornelis van Ruyven.

1660—Nicasius de Sille, Johannes de Decker, Cornelis van Ruyven.

1664-1673—Colony in possession of the English.

1673—Cornelis Evertse, Jacob Benckes, Anthony Colve, Abraham van Zyll, Cornelis Steenwyck. (Sept. 19.)

The annexed cut represents the old Stadt Huys, built in 1642, of stone, at the head of the Counties Slip, facing Pearl Street, and remained until 1700 when it was sold and destroyed, and a new one erected at the head of Broad Street, which was afterwards the Congress Hall, at the corner of Wall Street.*

Mr. James W. Girard, of the Bar of New York, contributed a paper entitled, "The Old Stadt Huys of New Amsterdam," which was read before the New York Historical Society in 1845, and published in pamphlet form, describing the proceedings and practice in these courts at this place, which will be of great interest to the profession.**

The following is a list of the Directors-General of the New Netherlands with the date of their appointments:

Adriaen Joris,	1623
Cornelis Jacobsen May,	1624
William Verhulst,	1625
Peter Minuit,	May 4, 1626

**The admirable paper of Ex-Chief Justice Charles P. Daly, of the New York Common Pleas, contained in the first volume of the Reports of the Court of Common Pleas, containing a history of that Court, and the paper cited above being the opening paper in Vol. 1 of the History of the Bench and Bar of New York, is the best work on the judicial procedure in New York, under the Dutch, I have found, and I commend it to the profession.

(a) The Council, March, 1632
Wouter van Twiller, April, 1633
(b) William Kieft, March 28, 1638
(c) Peter Stuyvesant, May 11, 1647
The Colony under the English, 1664 to 1673
(d) Cornelis Evertse, Jr., Jacob Benckes and a Council of War, August 12, 1673
(e) Anthony Colve, Sept. 19, 1673

The following is a list of the patroons of the New Netherlands appointed under the Manorial System, under the "Charter of Privileges and Exemptions," granted by the West India Company's College of Nineteen, June 7, 1629:

(1) Michael Paauw, 1630, Pavonia.
(2) Samuel Godyn, 1630, Swanendael.
Samuel Blommaert,
Kiliaen van Rensselaer, 1631, Rensselaerswyck.
(3) Meyndert Meyndertsen, 1641, Achter Col to Tapaan.
(4) Cornelis Melyn, 1642, Staten Island.
(5) Adriaen van der Donck, 1646, Colendonck.
(6) Cornelis van Werkhoven, 1651, Nevesinck and Tapaan

The following is a list of the Advisory Councils, appointed in the New Netherlands:

THE TWELVE MEN, 1641.

This Board represented Manhattan, Brooklyn and Pavonia (now Jersey City); the members were elected to suggest means to punish the Indians for a murder they had committed. This is the first glimmer of a representative body within the limits of New York and New Jersey. The Board was abolished February 18, 1642.

David Pietersen de Vries, President; Jacques Bentyn, Jan Jansen Dam, Hendrick Jansen, Maryn Andriaensen, Abram

NOTE.—(a.) No Director-General in the country.
(b.) Commission issued September, 1637.
(c.) Commission issued July 28, 1646.
(d.) Military Government.
(e.) Commission dated August 12th.

NOTE.—(1.) New Jersey City; surrendered in 1636-7.
(2.) At the capes of the Delaware River; surrendered February 7, 1635.
(3.) From the Raritan River to the Highlands.
(4.) Surrendered June 14, 1659.
(5.) Yonkers, Westchester county.
(6.) He abandoned these and in 1652 established a colony at Nyack, now New

Pietersen, the miller; Frederick Lubbertsen, Jochim Pietersen Kuyter, Gerrit Dircksen, George Rapalje, Abram Planck, Jacob Stoffelsen, Jan Evertsen Bout, Jacob Walingen.

THE EIGHT MEN, 1643.

Elected to adopt measures against the Indians. These delegates were to meet every Saturday for deliberation. Five was a quorum.

Cornelis Melyn, President; Jochim Pietersen Kuyter, (a) Jan Jansen Dam, Barent Dircksen, Abram Pietersen, the miller; Isaac Allerton, Thomas Hall, Gerrit Wolphertsen (van Couwenhoven), (b) Jan Evertsen Bout, Jacob Stoffelsen. 1645—John Underhill, Francis Douty, George Baxter, Richard Smith, Gysbert Opdyck, Jan Evertsen Bout, Oloff Stevensen van Cortlandt.

THE NINE MEN.

This Board was constituted by the election of eighteen persons, from among which the Director General selected nine, who represented Manhattan Island, Brooklyn, Amesfoort, (Flatlands), Pavonia (N. J.), and the principal classes of the commonalty, viz: Merchants, Burghers and Farmers. Their duties were: To promote the honor of God, the welfare of the country, and the preservation of the Reformed religion, according to the discipline of the Dutch Church, and to give their opinion on matters submitted to them by the Director and Council. Three of the nine, viz: one from each class, were to attend for a month in rotation on the weekly court, as long as civil cases were before it, and to act subsequently as referees, or arbitrators, on cases referred to them. If, in case of sickness or absence, any of the three could not attend, his place was filled by another member of the same class. Six retired annually, to be replaced by an equal number selected from twelve names sent in by the Board. They constituted the first Inferior Court in the

NOTE.—(a.) Expelled September 15.
(b.) In place of Dam expelled.

present city of New York, and were the immediate precursors of the Burgomasters and Schepens, or Common Council of New Amsterdam.

1647—Augustine Heerman, Arnoldus van Hardenburgh, Govert Lookermans, merchant, Jan Jansen Dam, Hendrick Hendricksen, Jacob Wolphertsen van Couwenhoven, Michael Jansen, Jan Evertsen Bout, Thomas Hall, farmers.

1649—Adriaen van der Donck, President; Augustine Heerman, Arnoldus van Hardenburgh, Govert Lookermans, Oloff Stevensen van Cortlandt, Hendrick Hendricksen Kip, Michael Jansen, Elbert Elbertsen (Stoothof), Jacob Wolphertsen van Couwenhoven.

1650—Oloff Stevensen van Cortlandt, President; Augustine Heerman, Jacob van Couwenhoven, Elbert Elbertsen, Hendrick Hendricksen Kip, Michael Jansen, Thomas Hall, Govert Lookermans, J. Evertsen Bout.

1652—David Provost, William Beekman, Jacobus van Curler, Allard Anthony, Isaac de Forest, Arent van Hattem, Jochim Pietersen Kuyter, Paulus Leendertsen van der Grist, Peter Cornelissen, miller.

MUNICIPAL SYSTEM.

BURGOMASTERS.

This office came into existence in Holland, in the fourteenth century. The incumbents entered on their duties on the 2nd of February of each year, unless where the appointment was to fill a vacancy. In New Amsterdam they succeeded the Nine men, and were appointed by the Director-General and Council until 1658, when they were allowed the privilege of nominating a double number, from which the Director and Council selected the members of the Board for the ensuing year. They were each allowed a salary of 350 guilders, equal to $140. By law, the Burgomasters were ex officio, chief rulers of the City; principal church-wardens; guardians of the poor, widows and orphans, and without their consent no woman nor minor could exe-

cute any legal instrument. They held in trust all city property, farmed the excise, and assisted in the enactment of city laws. They were keepers of the City seal, and in fine, were the "Fathers of the Burghery." Each Burgomaster attended daily, in rotation, during three months in the year, at the City Hall, for the dispatch of the public business, and at the end of the quarter called a meeting of the acting and ancient Burgomasters, to whom he reported the state of the city. In many particulars, the officiating Burgomaster resembled somewhat our Mayor. One Burgomaster retired annually from office and then became City Treasurer for the next year. They were as follows:

1653—Arent van Hattem, Martin Creiger.

1654—Arent van Hattem, Martin Cregier, Allard Anthony

1655—Allard Anthony, Oloff Stevensen van Cortlandt.

1656—Allard Anthony, Oloff Stevensen van Cortlandt.

1657—Alard Anthony, Paulus Leendertsen van der Grist.

1658—Paulus Leendertsen van der Grist, Oloff Stevensen van Cortlandt.

1659—Oloff Stevensen van Cortlandt, Martin Cregier.

1660—Martin Cregier, Allard Anthony. (2) Oloff Stevensen van Cortlandt.

1661—Allard Anthony, Paulus Leendertsen van der Grist.

1662—Paulus Leendertsen van der Grist, Iloff Stevensen van Cortlandt.

1663—Oloff Stevensen van Cortlandt, Martin Cregier, (3) Paulus Leendertsen van der Grist.

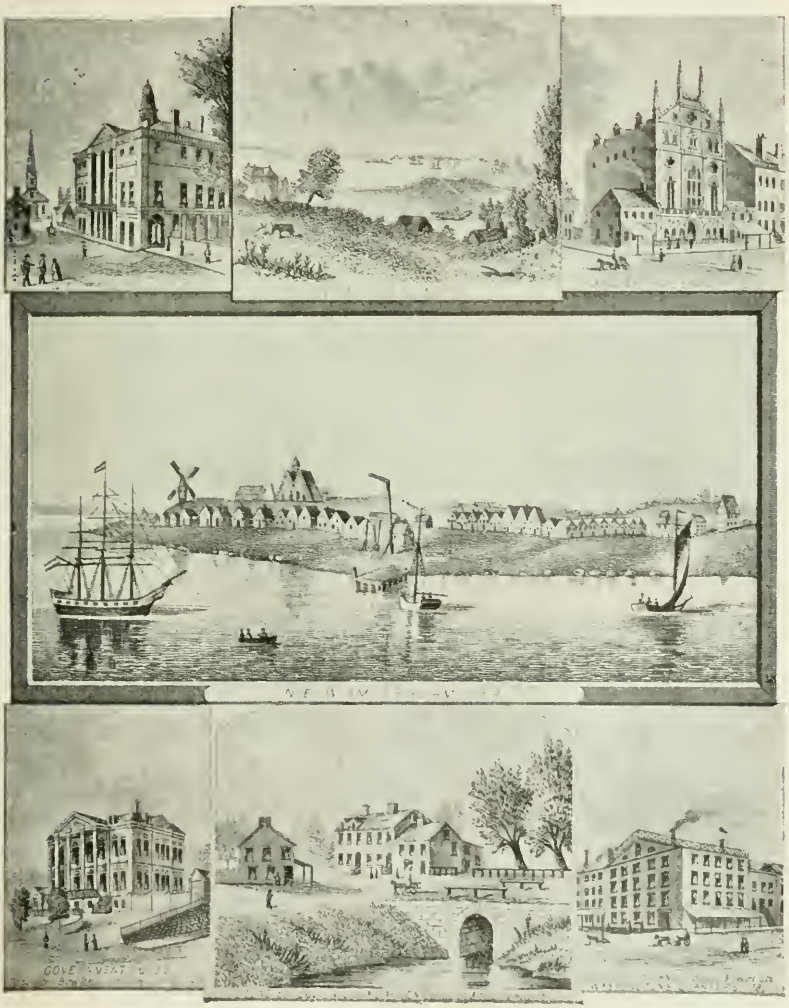
1664—Paulus Leendertsen van der Grist, Cornelis Steenwyck.

1673—Johannes van Brugh, Johannes de Peyster, Aegidius Luyck.

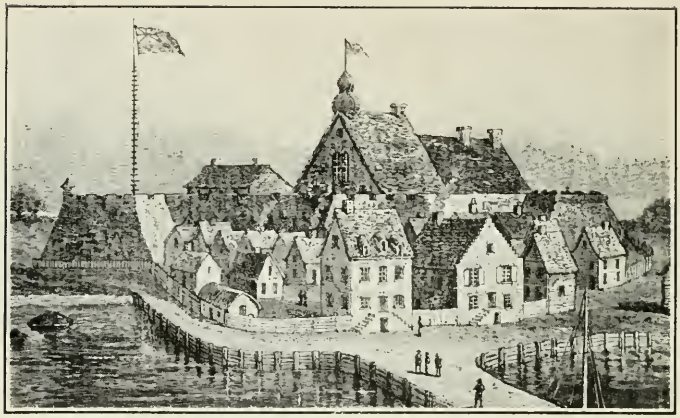
1674—Johannes van Brugh, William Beeckman.

NOTE.—(1.) In place of Van Hatten, returned to Holland.
(2.) In the absence of the regular Burgomaster.
(3.) Vice Cregier, who engered the military service.

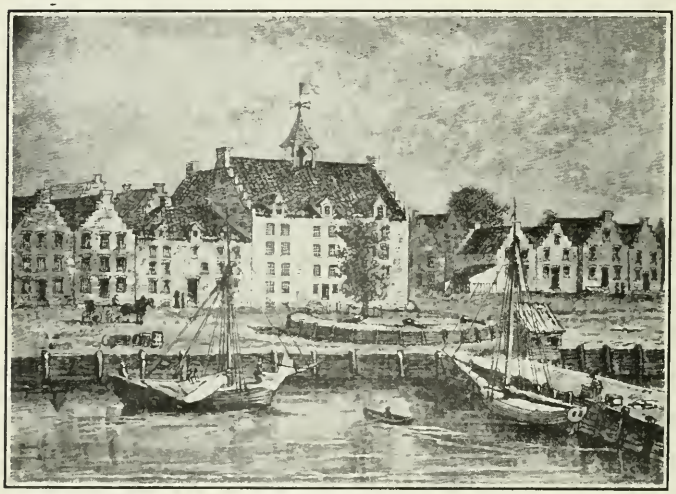
NEW AMSTERDAM. 1673.



VIEWS OF NEW YORK UNDER BOTH DUTCH AND ENGLISH RULE.



THE STRAND—NEW AND WHITE HALL STS., NEW YORK.



THE STADT HUYS IN NEW YORK, 1679.
From Brevoort's Drawing.

CITY HALL AND GREAT DOCK, 1679.

JUDICIAL HISTORY OF NEW YORK AS A COLONY UNDER ENGLISH RULE.

After 1664, when the colonies fell into the hands of the English, a code of laws was framed by Lord Clarendon, called the "Duke's Laws." This code prohibited slavery, forbid religious persecution, but decreed death for atheism and to any child who should strike his parent, except in self-defense. It established justices of the peace and town courts, from the decision of whom an appeal lay to the court of sessions of all the justices living within the "riding," the province being divided into three "ridings." An appeal lay to the Court of Assizes, which was the court of last resort, held annually in the City of New York, consisting of the Governor and Council, and such justices of the peace as chose to attend. This Court had civil jurisdiction above £20, and criminal jurisdiction. All cases, both original and appellate, were to be tried by a jury, originally of six, but afterwards of twelve men. The Governor had the power to call a special session and to summon a Court of Oyer and Terminer for the trial of criminal offenders when no Court of Assizes was appointed to sit in two months. The Court of Assizes ultimately developed into a legislature.* The Dutch Burgomasters and Schepen Courts continued for ten months after the English conquest, when Governor Nichols abolished the Dutch Court and substituted the Mayor, Alderman and Sheriff, as the title of the Court, but in point of fact, the cases continued to be tried by summary proceedings which the Dutch had previously instituted, and jury trials did not come into vogue for many years.

*A copy of the Duke's Laws will be found in the Historical Society's collection, also in Colonial Laws.

The inauguration of Governor Nichols was the beginning of the English rule in New York, on September 8, 1664.

He was succeeded by Lord Lovelace in 1667, who attempted to enforce taxation without representation, which incensed the people so that the recapture of New Netherland in 1673, gave great satisfaction, but the treaty of Westminster in 1674, settled the destiny and ended the power of the Dutch in the State of New York, and Andros was sent out as Governor, who endeavored to suppress popular assemblies and interfere with the popular rights, until he was compelled to yield and call a general assembly to quiet the agitation.

The first General Assembly was held in 1683, and adopted a charter of liberties, which enunciated the rights of the people in the spirit of the Constitution of the Dutch Republic so vigorously that when King James came to the throne he vetoed it and dissolved the General Assembly. The agitation which resulted in placing William and Mary on the English throne, had the full sympathy of the American colonies.

The City of New York was incorporated in 1683. Peter Schuyler was the first magistrate chosen in New York, and was Mayor of the city, and may well be styled the first judge there under English rule.

A General Assembly was established 1691, which held its first session and was the recognized representative of the rights of the people, and its successor revised and re-enacted the Charter of Liberties which King James had vetoed.

In 1697 the Crown again vetoed the Charter of Liberties.

In 1698 the Earl of Bellamont became the Governor of New York, Massachusetts and New Hampshire, under a policy of consolidation of the Colonies, desired in England to be consummated.

He was given the power by the English Government to institute courts without the assent of the General Assembly,

and to disburse the revenues and other provisions obnoxious to the colonists.

The General Assembly resisted these assumptions of authority so strenuously that in 1698 the Assembly was dissolved as disloyal.

Chief Justice Smith and Attorney General Grahme denied the power of the Governor to institute courts of Justice without the assent of the General Assembly.

On the death of Governor Bellamont in 1701, the Lieutenant-Governor being absent, the Council and General Assembly concurred in the opinion that the Government for the time being devolved upon the Council.

William Smith, president of the Council, disputed this position, and claimed that he was the chief executive.

The popular party sustained Smith, and the Government party supported the Council.

The new Governor, Nanfan, approved of Smith's course, and the new General Assembly was elected in sympathy with that view.

The contest between the Governors and the Council on the one hand, and the General Assembly as representatives of the people on the other, thus continually arising as to the supreme power in the colony, was renewed and intensified by Gen. Robert Hunter, who was appointed Governor on June 14 1710, succeeding Governor Ingoldsby.

The Governor, following the traditional policy of the English crown, insisted upon his right to establish courts and control the revenues without the assent of the Assembly.

He succeeded in establishing a Court of Chancery, with himself as Chancellor, but he had to yield to the General Assembly the control of the revenues, and the Council was denied the right to amend money bills, and the existence of the Council as a legislative body was held by the Assembly to be by the grace of the Sovereign and not by right.

These contests between the colonists represented in the General Assembly, who reflected the views of the people, and

the Governors and Council, who carried out the opposite views of the English Government, continued and increased until they were ended by the revolution.

The principles underlying the Constitution of the Dutch Republic, which had maintained the elementary principles of the rights of man, and the right of the power in the people to rule and govern themselves, under which the Dutch people had lived and maintained these principles for two hundred years before the American Revolution, and surrounded by thrones and monarchies, were those enunciated in the Declaration of American Independence. The Constitution framed by our fathers, was modelled after the Constitution of the Dutch Republic.

The colonists, largely Dutch, and emigrants driven from homes by persecution, imbued with the spirit under which the Dutch had maintained their liberties and rights at home, and perpetuated in the New Netherlands, were almost a unit in resisting the policy of the English Government, and the revolution was the natural outcome of such a situation.

The courts established by the English Governors and Council, both with and without the assent of the people in their General Assembly, existed until overthrown by the American Revolution.

There was no Court of Chancery as such until 1683, and questions of equity, and even divorces for adultery were passed upon by the Dutch Court, and by its successors under the English name, until the act of the legislature of 1787, which vested this power in the court of Chancery, and between 1683 until after the act of 1787, no absolute divorce seems to have been granted in the State, but in 1673, when the city was re-captured by the Dutch, the old Court of Burgomasters and Schepen was re-established; but under the treaty of Westminster, when the English resumed power, the English mode of administration was restored, and courts

of sessions were held, one at Esopus, Kingston, and one at Albany.

The situation in the Colony during these times has been admirably stated Mr. Edgar A. Werner in the New York Civil List of 1886, from which I quote, as it so ably states the case:

A convention of two delegates from each town on Long Island was held at Hempstead, in February, 1665, for the purpose of receiving from the Governor the Code which he had prepared, and which was called "the Duke's Laws."

The Code was chiefly compiled from laws then in force in New England, "with abatement of the severity against such as differ in matters of conscience and religion." The only popular feature of the code was the one organizing Town Courts. It provided for the election, by a majority of the freeholders of each town, of eight overseers, to try minor causes, and adopt local ordinances, subject to the approval of the Court of Assize, Four were to retire each year, and from them a constable was to be elected on the first or second of April, to act with the overseers, his election being subject to confirmation by the Justice, in whose hands the local administration was really vested.

The English system of Sheriff's Courts was introduced. The Governor and Council appointed each year a Sheriff for the whole of Yorkshire, and three Justices of the Peace for each riding, who were to continue in office during the Governor's pleasure, and were to hold a Court of Sessions in each riding three times a year, in which the Governor, or any of his councillors, might preside. Beside their local duties, the High Sheriff and Justices were to sit with the Governor and his Council in the Supreme Court of the Province, called the Court of Assize, which was to meet at New York once a year, on the last Tuesday in September. This Court was also a legislative body, as it was invested with "the supreme power of making, altering and abolishing

any laws," except the custom laws, in which it could only recommend changes. Town Officers were required to make assessments annually, and taxes were levied through the Courts of Sessions, which made requisitions upon the town authorities. The delegates to the convention asked for power to choose their local magistrates, which was denied, the Governor exhibiting his instructions from the Duke of York, "wherein the choice of all the officers of justice was solely to be made by the Governor." They desired, and they had the right to demand, the control of public expenditure, and the institution of a General Assembly. King Charles, (in 1663), had given Rhode Island a charter guaranteeing it self-government, and yet English, as well as Dutch towns on Long Island, were denied the right of representation. The colonists were grievously disappointed, but they continued the struggle, resulting in consolidating them still more firmly in defense of equal rights and personal liberty.

A report on the state of the province, made in July, 1665, sets forth that liberty of conscience prevailed, that trial by juries existed, that there were no laws contrary to the laws of England, and no courts martial, except for soldiers; that there was no tax payable upon corn or cattle, and the country had little other product; and that the rate for public charges had been agreed upon in General Assembly, and was managed exclusively by the Governor, Council and Court of Assize.

The instructions by Charles the Second, to the Commissioners sent out to settle the affais of the provinces and hear cases of appeal, with the reports of the Commissioners, reveal very clearly his purpose. The commissioners were Col. Richard Nicolls, Sir Robert Carr, George Cartwright and Samuel Maverick. These instructions are dated April 23, 1664. The King desired that Governors should hold from three to five years, and that three persons should be nominated to him for the office, from which he would select one. With reference to religious worship, he desired to

make no change, unless "they do in truth deny that liberty of conscience to each other, which is equally provided for and granted to every one of them by their charter."

Governor Nicolls was succeeded as Governor in 1667 by Lord Lovelace. The new Governor, in 1669, directed the Courts of Sessions to provide the means necessary to repair the palisades at New York. The towns refused to pay the taxes levied, because they were denied the privileges conceded to New England, the liberties due all Englishmen, the right that, under the British Constitution, no taxes could be levied except by their own representatives. The Court, sitting at Gravesend, characterized the resolves of the several towns as "false, scandalous, illegal and seditious;" the Governor and Council expressed similar sentiments, and ordered the papers to be burned and their principal promoter prosecuted. The Great Charter forced from King John by the barons, had provided that, with the exception of the customary feudal aids, "no scutage or aid shall be imposed in our realm, save by the Common Council of the realm." Even these grants made in the Great Council were binding only on the barons and prelates who made them; and before the aid of the boroughs, the church or shire could reach the royal treasury, a separate negotiation had to be conducted with the reeves of each town, the archdeacons of each diocese, and the Sheriff and shire court of each county. Lovelace undertook to force the collection of taxes through this latter channel. It was with reluctance that the people of England abandoned the system under Edward, and accepted representation in Parliament instead. But Englishmen had grown wiser since, and no freeman would now relinquish the right. Hence the irrepressible conflict proceeded. The feeling in New York was intensified by the granting of a General Assembly to New Jersey, with the right of freedom from taxation, except by its consent. The first Assembly met in 1668. The representatives were largely Puritans, and they adopted the laws of New England.

The contest over the right of no taxation without representation was not limited to New York, however. A revenue collector was sent over from England, with authority to collect the customs in Massachusetts. He accused the General Court of entire disregard of the Navigation Act. The charge was admitted and defended on the ground that such laws were "an invasion of the rights, liberties and properties" of the colonies, "they not being represented in Parliament." This was in 1671. The same year, the Colony of New Plymouth affirmed the rights of Englishmen under the imposing title of "The General Fundamentals." The enumerated rights were eight in number. The first affirmed the invalidity of legislation imposed without the consent of the body of freemen or their representatives; the second, provided that a Governor and assistants be annually elected by the vote of the freemen. The third to the seventh, inclusive, related to rights of justice and of property. The eighth was a lengthy re-affirmation of the ecclesiastical or church rights sought to be secured by the establishment of the colony. In Virginia, an aristocratic assembly had finally adjourned in 1660 after clothing the Governor with enormous powers, and these powers had now fallen into the hands of a Governor who hated education and despised toleration in religion. Thus Virginia and New England, and also Maryland, were in the hands of despotic parties. In New Netherland, however, the people never tyrannized over each other, and they claimed equal rights and personal liberty for all freemen, as against any class, and against royalty itself.

France and England declared war against the Netherlands March 17, 1672. The tide of battle went against the Dutch. The people demanded the removal of the disabilities of William of Orange, then in his twenty-second year, and ambitious to lead the armies of the country. The demand was heeded, and he was made Stadtholder. In 1673, New Netherland was re-taken, and the Dutch inhabitants were stirred by the same enthusiasm which had thrilled the

hearts of the Dutch in the mother country. They received back the right to nominate their local magistrates amid great rejoicing; and their dismay, therefore, was great when, in 1674, by the treaty of Westminster, they were compelled to surrender their Dutch liberties and return to the jurisdiction of an English despotism.

The conduct of the new Governor, the tyrannical Andros, realized their worst fears. He revived the abuses of the Lovelace administration. Taxes were levied without authority of law, and the protests of the people were treated with scorn. In response to the demand for a popular legislative assembly, the Duke of York wrote to Governor Andros that popular assemblies were dangerous to government, and that he did not see any use for them. He attempted to force upon the colonists a law, enacted on his own mere motion, establishing for three years the rate of customs. This inflamed the colonists to the point of resistance. On the expiration of the law by its own terms, in November, 1680, the merchants refused to pay any more duties. They sued the Collector of the Port for detaining goods, the duties on which had not been paid, and he was arrested, brought before the Court of Assize charged with high treason, and sent to England for trial. The Duke of York, fearful that the expenses of the colony would become a charge upon his own private purse, as they had been on the treasury of the West India Company, thereupon sent out Colonel Dongan as Governor, with power to convene a General Assembly. This body met at Fort James, New York, October 17, 1683. Its records are lost, and the names of its members cannot be given; but its works endure. The facts illustrate the uncertainty of human fame, and the imperishable character of human achievement.

The first act of this, the first General Assembly of the Colony of New York, was entitled, "Charter of Liberties and Privileges Granted by His Royal Highness to the Inhabitants of New York and its Dependencies." Its first

sentence contained the phrase: "People met in General Assembly," to which James objected, when he became King of England, on the ground that it is "not found in any other Constitution in America;" and this royal objection, with the character of this charter, places New York in advance of any other colony, and proves that it held the leadership in the struggle for equal rights and ancient liberties. The entire sentence read that "under His Majesty and Royal Highness, James Duke of York, Albany, etc., supreme legislative power shall forever be and reside in the Governor, Council and People met in General Assembly." The year of its adoption witnessed the establishment of a free and representative government in Pennsylvania, and the first session of its General Assembly.

James became King of England in February, 1685. At a meeting of the Committee of Trade and Plantations, March 3, this minute was ordered entered: "The Charter of Incorporation of the Province of New York being read, His Majesty doth not think it fit to confirm," and the government was ordered assimilated to that projected for New England. Observations upon the charter, which show that the objections were political, and demonstrate that the colonists were in advance of the inhabitants of other colonies, in their demands upon the Crown, as well as in their concessions of personal liberty.

The Charter opened grandly. It declared "that for the better establishing of the government of this province of New York, and that Justice and Right may be done equally to all persons within the same, Be it enacted by the Governor, Council and Representatives now in General Assembly met and assembled, and by the authority of the same." And the charter, after providing for the election of a General Assembly, enacted that "the Representatives of the Province, with the Governor and his Council, shall be the supreme and only legislative power." To this the King quietly inquired: "Whether this does not abridge the acts of Parliament that

may be made concerning New York." His observation upon this provision seems to be somewhat in conflict with his remarks on the provision that the inhabitants be governed by and according to the laws of England. "This privilege," he said, "is not granted to any of His Majesty's Plantations." Of the provisions that Sheriffs and other officers of justice be appointed with like powers as in England, he said, "This is not so distinctly granted or practiced in any other plantation." The charter provided "that the exercise of the chief magistracy and administration of the government over the said province shall be in the said Governor, assisted by a Council, with whose advice and consent, or with at least four of them, he is to rule and govern the same according to the laws thereof." To this the King objected that "no other Governor is restrained from doing anything without the Council." The charter provided "that according to the usage, custom and practice of the Parliaments of England, sessions of a General Assembly be held in this province once in three years at least," to which the King objected that triennial sessions are "an obligation upon the government greater than has been ever agreed to in any other plantation, and the grant of such a privilege has been rejected elsewhere, notwithstanding a revenue offered to induce it." The provision that acts be presented to the Governor and Council for approval, said the King, "seems to take away from the Governor and Council the power of framing laws as in other plantations." The provision limiting to two years the power of the Lord Proprietor to dissent to bills, said James, "does abridge the King's power, and has been thought inconvenient in other plantations." The provision that the Assembly is to judge of the elections and qualifications of its members, "may be inconvenient," he said, "and is not practiced in some other plantations." Of the provision guaranteeing liberty of conscience, the King remarked that it "practiced in the proprietaries;" and it was the only section which he seems to have affirmatively ap-

proved, although there were other important provisions which he did not explicitly disapprove.

The entire charter we are considering is a clear and crisp declaration of the ancient liberties of all Aryan freemen. The remaining portion reads substantially as follows: "Every freeholder and freemen shall vote without restraint. No freeman shall suffer but by judgment of his peers, and all trials shall be by a jury of twelve men. No tax, tillage, assessment, custom, loan, benevolence or imposition whatever, shall be laid, assessed, imposed or levied, on any of his Majesty's subjects within this province or their estates, upon any manner of color or pretense, but by the act of the Governor, Council and Representatives of the People in General Assembly met and assembled. No seaman or soldier shall be quartered on the inhabitants against their will. No martial law shall exist. No person professing faith in God by Jesus Christ, shall at any time be anyways disquieted or questioned for any difference of opinion." Appended to the charter was a continued bill of customs. Its approval by the Governor was the signal for great rejoicing.

Thus was set forth in admirable phrase the rights for which the Dutch and English colonists had unitedly contended for nearly half a century. It was the full fruitage of freedom, bursting the shell of feudalism, and clothing itself in more perfect organic form, evolved from ancient systems which had become incapable of preserving and protecting the libeties of the people. Alike in spirit and substance it presented in most perfect form that which was dearest to all —to the eighteen nationalities represented in the province under Stuyvesant—to English and Dutch, their common German ancestors and Celtic neighbors, so long crushed under Druidic dominion. While all these races were united in framing this "Charter of Liberties," still it is true that we owe our priceless inheritance primarily to that spirit of freedom and catholicity, instinctive in the Dutch, and purified amid the conflicts of the Netherlands, and to that Dutch

SOUTHWEST VIEW OF THE CITY OF NEW YORK.

From the original engraving by P. Carot, 1768.

1—The Harbor. 2—Nutting Island. 3—Staaten Island. 4—Long Island. 5—Rulger's House. 7—Brew House.

eclecticism, fostered by the mingling of races and religions, which enabled the statesmen of that day to devise for the protection of human freedom, a liberal conservative government, which, when perfected, would permit change when the people will it, and prevent it when they do not.

The distinguishing feature of the colonial policy of James II, was his attempt to consolidate all the colonies, from Maine to the Delaware River, as the Dominion of New England, under the government of Andros. In 1686, he abolished the General Assembly of New York, and authorized the Governor, with the assent of the Council, to enact such laws as he might deem best; printing presses were forbidden and odious taxes were levied. The same year he took away the charters of Rhode Island and Massachusetts, and appointed Andros Governor of all the provinces of New England. Andros ruled with a strong hand in Massachusetts. He permitted nothing to be printed without his sanction; he abolished popular representation; prohibited voting by ballot; forbade town meetings; allowed the public schools to go to ruin. He overthrew the civil rights of New Hampshire, and sought (in 1687), to secure the charter of Connecticut, but the heart of the Charter Oak beat too truly against him. The same year, religious liberty was proclaimed in New England. In April, 1688, New York and New Jersey were included in the new Dominion.

William III. married Mary, daughter of the Duke of York, in 1677, and followed it by aggressions upon the States General. His imperious will and good judgment fitted him for Liberator of England. He landed at Torbay, November 5, 1688. News of the accession of William and Mary reached Boston April 4, 1689, and on the 18th the inhabitants rose in rebellion. Andros was imprisoned, and before the 10th of May, all New England was administering government under the old charters. New York rose in revolt on the 31st of May, and Jacob Leisler was subsequently appointed Lieutenant-Governor by a Committee of Safety. In all the

land, there was only one place where there was sufficient cool judgment to await the will of the new authorities, and that was in Albany. The municipal authorities of this city proclaimed William and Mary, but refused to acknowledge Leisler until compelled to in the Spring of 1690. In 1691, he was tried and executed for treason. The same year Governor Sloughter arrived with instructions to re-establish the Asembly; and thus the sturdy Dutchmen received a large measure of their rights from the hands of a Dutch King. The old liberties were restricted, however. The Test Act was established. The new Governor was instructed "to permit liberty of conscience to all persons except Papists." This was a natural result of the conflicts in England, but the proscription did not take root in New York. The General Assembly of 1691 passed the original Charter of Liberties, with some changes in reference to churches, but it was repealed by the King in 1697.

A Court of Assizes was created and held in 1682 with 29 members. English special pleading was introduced about this time, but English procedure in the courts did not supplant the Dutch system until between 1704 and 1718. The plan of arbitration ordered by the court of reference, however, continued until 1772, when that practice was settled by a statute in 1783. The General Asssembly convened by Governor Dongan created four courts: Petty Courts for Towns, County Courts, Sesssions, Court of Oyer and Terminer and General Jail Delivery, and a Court of Chancery for the whole province. The Town Court was held monthly by three commissioners appointed by the Governor, without a jury, with jurisdiction limited to death or trespass not exceeding £2. The Court of Sessions was held by the Mayor and four Aldermen quarterly in the City of New York, and by three justices of the peace three times a year in Albany, and semi-weekly in the other counties. The Oyer and Terminer was composed of two judges, appointed by the Governor, each holding a circuit semi-annually in every county,

and in the city of New York, the Mayor, Recorder and four Aldermen. This Court may be justly regarded as the beginning of the Supreme Court of the State, from which beginning the Supreme Court emanated. The Court of Chancery was held by the Governor or council, the Governor having power to depute a Chancellor. The Court of Assizes was abolished by the General Assembly in 1684. The first judges of the Court of Oyer and Terminer were Mathias Nicolls and Thomas Palmer. This act of the General Assembly displeased the King, who vetoed it, and vested all the legislative power in Governor Dongan and his council in 1686, whom he especially authorized to erect courts and appoint judges, with an appeal to the Governor and Council in all cases involving more than £100, and a further appeal to the King and Privy Council where the amount at issue exceeded £300. Dongan, however, made no changes in his judicial organization, excepting constituting himself and his council a Court of "Judicatur," with power to determine all matters of difference between the King and the inhabitants concerning land rents, profits and revenues.

The Governor and Council became then a Court of Chancery, a Court of Exchequer, and finally a Provincial Court of Appeals, and the first session of the Court of Chancery was held on the 16th day of February, 1683, with a provision that it should be held six times in each year.

On the accession of William and Mary, the General Assembly re-organized the Judicial Department, abolishing the town courts and changing them into Courts of Justices of the Peace; created courts of Common Pleas for each county, except New York and Albany, and Court of Sessions for each county, and continued the Court of Chancery as under the act of 1683. The General Assembly also created the Supreme Court in the City of New York, composed of a Chief Justice and four assistants, to be appointed by the Governor, having unlimited jurisdiction, both civil and crim-

inal, with power to make rules and ordinances and regulate its practice. The act abolished the Court of Oyer and Terminer as it then existed, but gave its name to the criminal side of the Supreme Court. Joseph Dudley was the first Chief Justice, with Thomas Johnson as second Judge, and William Smith, Stephen van Cortlandt and William Pinhorne, Associates.*

This act was but for two years, but it was continued by successive renewals until 1689. Under the renewal of 1692 the court was required to sit twice a year in the City of New York, and one of the Justices required to hold a circuit, and hold court once a year if necessary, in every other county.

In 1698 difference having arisen between Governor Bellamont and the General Assembly, the act was not renewed, and the province was without a court for a short period, but in 1699 the Governor, under the authorities specified in his commission, re-established all the courts as they had then lately existed, except the Court of Chancery.

Lieutenant-Governor Nanfan, in 1701, re-established the Court of Chancery by order of the English Lords of Trade, and about this time William Atwood was commissioned by the King as Chief Justice, and authorized to act as Judge in Admiralty.

Continued opposition being developed on the part of the colonies to the Court of Chancery, Lord Cornbury suspended the Court in 1772, referring the matter of fees to Chief Justice Atwood and Second Justice De Peyster, of the Supreme Court, who two years afterwards reported a table of fees. Lord Cornbury then re-established the Court of Chancery ordering it to be conducted according to the practice of the English Chancery, and he also ordered four sessions of the Supreme Court of five Judges, each to be held in the City of New York. Under and by virtue of this order, the Supreme

*NOTE :—This act is in the first edition of the Colonial laws printed by Bradford, in 1694, a copy of which is now in the State Library of the State.

Court was held in the City of New York down to the period of the Revolution. The opposition to the Court of Chancery continued, however, and the General Assembly in 1708 passed a resolution "that the establishment of the Court by the Government, without the consent of the legislature was illegal, unprecedented and dangerous to the liberties of the subjects."

Governor Hunter in 1710 re-established the Court, assumed the office as Chancellor, and appointed two masters, two clerks and a register. This action seems to have intensified the opposition to the Court, one reason for which was that this Court had been used as an instrument for the collection of the arrears, the effect of which was to make every small land owner hostile to the Court. The Court of Chancery, however, was regularly continued till 1727, when the General Assembly having passed strong resolutions denouncing its corruption and oppression, the Council passed an ordinance correcting many of the abuses and materially reducing the fees. Up to the time of Governor Hunter, the Court of Chancery seems to have been composed of the Governor and one or more members of his Council, or when the Governor did not act, the Chief Justice or some of his associates. who were generally members of the Council, but Hunter, and most of his successors, generally sat alone up to the period of the Revolution. There was, however, a continued conflict between the General Assembly and the Court.

The Judges of the Supreme Court were at first appointed by the Governor, and held office during his pleasure. The Chief Justice, however, after Smith was appointed in England by warrant, requiring the Governor to issue letters patent as a general rule, with the exception of Chief Justice DeLancey, to whom Governor Clinton, without warrant from the Crown, in 1746, issued a commission to hold the office during his good behavior, The Puisne Judges, however, held during the pleasure of the Governor,

and they were removed for party reasons by him. On the death of Chief Justice De Lancey in 1760, the other Judges demanded new commissions on the same tenor without warrant from the Crown, but this being refused by the Crown, they resigned and their demand was never acceeded to. After 1758 the number of Judges was reduced to four. The Colonial Chief Justices were Joseph Dudley, William Smith, Avraham De Peyster, William Atwood, John Bridges, Roger Mompesson, James De Lancey, Benjamin Pratt and Daniel Horsmanden. Irving Brown, in speaking of these judges, says: "They were all men of ability. Smith, however, was not bred to the law, and Atwood was removed within a year by Lord Cornbury for corruption." The Puisne Judges were generally selected from the great land owners, and generally knew but little law, and were men of small capacity. In 1753 the appeal to the Governor and Council was limited to cases involving over £300, and the after appeal to the King and Privy Council in cases involving over £500.

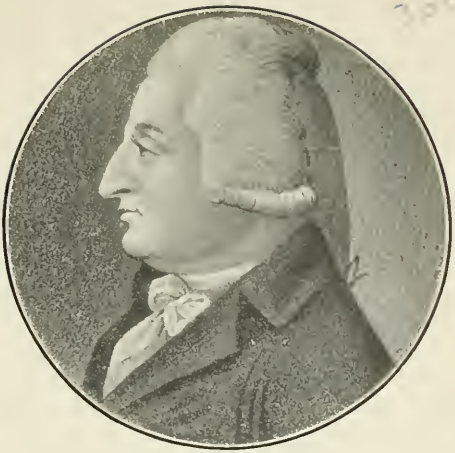
The following is a list of the Governors under the English rule, with the dates of their service, who acted in both an executive and judicial capacity:

COLONIAL EXECUTIVES.

Richard Nicolls,	Sept. 8, 1664.
Colonel Francis Lovelace, (1)	Aug. 17, 1667.
Major Edmund Andros,	Nov. 10, 1674.
Anthony Brockholles, Commander-in-Chief,	Nov. 16, 1677.
Sir Edmund Andros, Knt.,	Aug. 7, 1678.
Anthony Brockholles, Commander-in-Chief,	Jan. 13, 1681.
Colonel Thomas Dongan,	Aug. 27, 1682.
Sir Edmund Andros,	Aug. 11, 1688.
Francis Nicholson, Lieut-Gov.,	Oct. 9, 1688.
Jacob Leisler, (2)	June 3, 1689.

(1) Col. Lovelace was succeeded, August 12, 1673 (N. S.), by Anthony Coler, Dutch Director General under their re-occupation.
(2) Assumed the title of Lieutenant-Governor December 8, 1689, and was executed for high treason May 16, 1691.

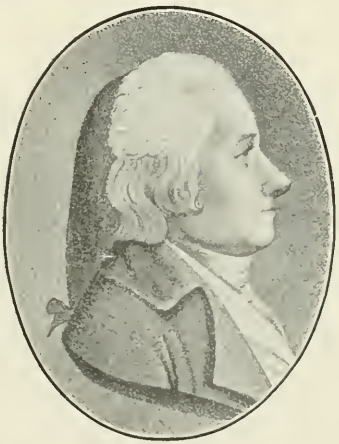
GOV. GEORGE CLINTON.
From an engraving in possession of
Pierre Van Cortdlandt.



DICK TEN BROCEK.
Speaker of the Assembly.

GOV. CADWALLADER COLDEN.

LT. GOV. VAN. RENSELAER.
State of New York.



JOHN JAY.
As Governor of New York.

Colonel Henry Sloughter,	March 19, 1691.
Major Richard Ingoldesby, Com.-in-Chief, (3)	July 26, 1691.
Colonel Benjamin Fletcher,	Aug. 30, 1692.
Richard Coote, Earl of Bellamont,	April 13, 1698.
John Nanfan, Lieutenant-Governor,	May 17, 1699.
Earl of Bellamont, (4)	July 24, 1700.
Wm. Smith, as the eldest Councillor present,	March 5, 1701.
John Nanfan, Lieutenant-Governor,	May 19, 1701.
Edward Hyde, Viscount Cornbury,	May 3, 1702.
John, Lord Lovelace,	Dec. 18, 1708.
Peter Schuyler, President,	May 6, 1709.
Richard Ingoldesby, Lt.-Gov.,	May 9, 1709.
Peter Schuyler, President, (5)	May 25, 1709.
Richard Ingoldesby, Lieut.-Governor, (5)	June 1, 1709.
Gerardus Beeckman, President,	April 10, 1710.
Brigadier Robert Hunter,	June 14, 1710.
Peter Schuyler, President,	June 21, 1719.
William Burnet,	Sept. 17, 1720.
John Montgomerie, (6)	April 15, 1728.
Rip Van Dam, President,	July 1, 1731.
Colonel William Cosby,	Aug. 1, 1732.
George Clarke, President, (7)	March 10, 1736.
Admiral George Clinton,	Sept. 2, 1743.
Sir Danvers Osborne, Baronet, (8)	Oct. 10, 1753.
James De Lancey, Lieut.-Governor,	June 3, 1753.
Sir Charles Hardy, Knt.,	Sept. 3, 1755.
James De Lancey, Lieut.-Governor,	June 3, 1757.
Cadwallader Colden, President,	Aug. 4, 1760.
Major-General Robert Monckton,	Oct. 26, 1761.
Cadwallader Colden, Lieut.-Governor,	Nov. 18, 1761.
Major-General Robert Monckton,	June 14, 1762.

(3) The Council administered the Government from July 23, when Governor Sloughter died, to July 26.
(4) Died March 5, 1701; Col. William Smith, Sr., member of the Council, claimed to be Administrator, but the Government was administered by the Council until May 19, 1701.
(5) Commission revoked September 17, 1709.
(6) Died July 1, 1731.
(7) Commissioned as Lieutenant-Governor July 30, 1736, and sworn in October 30, 1736. Lord de la Warr was appointed Governor in June, 1737, but resigned that commission in September, 1737.
(8) Committed suicide October 12, 1753.

Cadwallader Colden, Lieut.-Gov., (9)	Nov. 18, 1761.
Sir Henry Moore, Baronet,	Nov. 13, 1765.
Cadwallader Colden, Lieut.-Governor,	Sept. 13, 1769.
John Murray, Earl of Dunmore, (10)	Oct. 19, 1770.
William Tryon,	July 9, 1771.
Cadwallader Colden, Lieut.-Governor,	April 7, 1774.
William Tryon, (11)	June 28, 1775.
James Robertson, (12)	March 23, 1780.
Andrew Elliot, Lieut.-Governor, (12)	April 17, 1783.

PRESIDENTS.

Philip Livingston,	April 10, 1775.
Peter V. B. Livingston,	May 23, 1775.
Nathaniel Woodhull, pro tem.,	May 28, 1775.
Abraham Yates, Jr., pro tem.,	Nov. 2, 1775.
Nathaniel Woodhull,	December 6, 1775.
John Haring, pro tem.,	December 16, 1775.
Nathaniel Woodhull,	February 12, 1776.
Nathaniel Woodhull,	May 18, 1776.
John Haring, pro tem.,	June 19, 1776.
Nathaniel Woodhull,	July 9, 1776.
Abraham Yates, Jr., pro tem.,	August 10, 1776.
Abraham Yates, Jr.,	August 28, 1776.
Peter B. Livingston,	September 26, 1776.
Abraham Ten Broeck,	March 6, 1777.
Leonard Gansevoort,	April 18, 1777.
Pierre Van Cortlandt,	May 14, 1777.

THE COUNCIL.

This body, in the English colonial times, does not seem to have been, at first, limited to any determinate number. On the appointment of Major Andros to the government, in 1674, he was authorized to choose such a number as he should find convenient, and it consisted in his time, of ten

(9) Commissioned as Lieutenant-Governor April 14, 1661, and sworn into office August 8, 1661.
(10) Attainted October 22, 1779.
(11) Sailed for England July 9, 1780.
(12) Not recognized by the State.

members. In 1683, Governor Dongan was also empowered to name his council, which was limited to ten, and in 1686 reduced to seven members. Afterwards, in 1691, the number was increased to twelve, and so remained fixed whilst the English possessed the country, though by death and other casualties it sometimes fell short of that number. All the members very rarely attended the sittings of the Council, many residing at a distance. They were named in the Governor's instructions, but vacancies were filled, from time to time, either by the Governor, or by Royal Mandamus. Any member residing in the Province, absenting himself therefrom, and continuing absent from the Province above twelve months together, without leave, or remaining absent two years successively, without leave, forfeited his commission, and such as did not attend the sittings of the Council when summoned, were liable to suspension. The quorum was fixed, in 1691, at five; afterwards reduced to three, but in 1697 it was re-established at five, and so continued, although in some exceptional cases three formed a quorum in the Legislative Council, and two members could adjourn the session.

In 1691, the constitution of the Council was organized as it continued throughout the colonial period. Their privileges and powers were laid down in the Royal Instructions to the Governor. Their functions were threefold: 1. In an executive capacity, they acted as a Privy Council to the head of the government in civil matters, who was generally always present when the Executive Council was in session. They were consulted in the grant of all patents, which could not pass the seal without their advice; they had also a voice in the appointment to most of the civil offices in the Colony. 2. They formed, with the Governor, a Court for the Correction of Errors and of Appeals, and sat, ordinarily, in the fort at New York. 3. They constituted the second branch of the Legislature co-ordinate with the Senate of the present day. Previous to 1736, the Governor presided also in the Council when it acted in a Legislative capacity, and, in case

of a tie, gave the casting vote as presiding officer. This was pronounced unconstitutional in Governor Cosby's time, and thenceforward the Legislative Council met without the Governor, and held its sessions in the City Hall. The members ranked according to the date of their commissions. At first the Chief Justice presided, but his duties at the Supreme Court requiring his attendance, it was resolved that the senior councillor present should be Speaker. In committee, the chairman had no voice. When acting as Legislative Councillors, their proceedings were very formal, and in many respects they imitated the English House of Lords. Each member had the privilege of entering his dissent, and the reason at large on the minutes, but could not vote by proxy.

The messages from the Council to the Assembly were conveyed by one of their own members, at whose entrance the House rose and received the message standing. Their sessions were with closed doors. The minutes of the Legislative Council were printed for the first time in 1861, by order of the State Senate.

A Councillor's title was "The Honorable." His name was inserted in all the commissions of the Peace as of the Quorum, whereby he was empowered to act as Justice of the Peace in any county within the Province. He held his office during pleasure, and served without salary. His position, nevertheless, was such that he was enabled to secure for himself, his family and friends, large grants of land, which indemnified him for whatever time and labor he otherwise lost. The Surveyors-General of the Customs sat and voted as "extraordinary Councillors" within their district, during the time of their residence within such district.—(Hutchin's Civil List, 1870.)

As an instance of the high social position which members of the Council held, it will be seen that many of the Governors sat as members of the Council before they became Governors. Among whom were Peter Schuyler, Gerardus Beeckman, Anthony Brockholls, Cadwallader Colden, Rip

Van Dam, George Clarke, James De Lancey; and of the Judges, Stephen Van Cortlandt, William Smith, both Senior and Junior; William Atwood, John Bridges, Roger Mompesson, Lewis Morris, Benjamin Pratt, Daniel Horsmanden, Chidley Brooke, both Adolph and Frederick Phillipse, William Pinhorne, and John Chambers.

Indeed it seems to have been a stepping stone to political preferment, and a perusal of the list of officers, in the colony and of the Conventions, will show that men of the highest position sought for and held this office as a distinction and a high honor.

The following is a list of the members of the Council in the Colony of New York, under English colonial rule, with the dates of their service, arranged alphabetically for convenience sake:

MEMBERS OF THE COUNCIL ALPHABETICALLY ARRANGED.

NAMES.	YEARS.
Alexander, James	1721-37, 50-56.
Allen, John	1688.
Apthorpe, Charles Ward	1764-76.
Atwood, William	1701-02.
Axtell, William	1771-76.
Barbarie, John	1705, 28.
Baxter, Gervase	1685-88
Bayard, Nicholas	1685, 87, 88, 91-98.
Bayard, Stephen	1746-47.
Beekman, Gerardus	1690, 1702-23.
Bridges, John	1702, 03.
Brockholls, Anthony	1674-79, 83-88.
Brooke, Chidley	1691-98.
Broughton, Sampson Shelton	1702-04.
Byerly, Thomas	1711-25.
Chambers, John	1752-63.
Clarke, George	1716-36.

NAMES.	YEARS.
Clarke, George Jr.	1638-69.
Clarke, Walter	1688.
Colden Cadwallader,	1721-62, 65-69, 79, 75, 76.
Cortlandt, Philip	1730-48.
Cruger, Henry	1767-73.
Cruger, John Harris	1774-76.
Darvall, William	1676-80.
De Lancey, James	1729-53, 55, 57.
De Lancey, James	1769.
De Lancey, Oliver	1760-76.
De la Noy, Peter	1690.
Delaval, Thomas	1667-73.
De Peyster, Abraham	1698-1702, 08, 10-22.
Dudley, Joseph	1688, 1691, 1692.
Dyre, William	1674-81.
Edsal, Samuel	1690.
Graham, James	1685, 87, 88, 89, 1700.
Harison, Francis	1720-35.
Heathcote, Caleb	1692-97, 1702-20.
Holland, Edward	1748, 56.
Horsemanden, Daniel	1733-47, 55-76.
Jansen, Hendrick	1690.
Jauncey, James	1775, 76.
Johnson, Thomas	1692.
Johnson, William	1751-1774.
Johnston, John	1716-1722.
Kennedy, Archibald	1726-1761.
Lane, Henry	1733-1744.
Lawrence, John	1672-79, 1692-1698.
Lawrence, William	1690, 1792-1706.
Ling, Matthew	1703, 1704.
Livingston, Philip	1725-1750.
Livingston, Robert	1698, 1701.
Lovelace, Thomas	1671-1673.
Martin, Josiah	1759-1762.

NAMES.	YEARS.
Mason, Robert	1688.
Milborne, Jacob	1690.
Mompesson, Roger	1705-1715.
Monviele, Gabriel	1691-1698.
Moore, John	1745-49.
Morris, Lewis	1684, 85
Morris, Lewis Jr.	1721-29.
Morris, Roger	1765-76.
Murray, Joseph	1744-58.
Needham, Robert	1665-67.
Newberry, Walter	1688.
Nicolls, aMthias	1667-80.
Nicoll, William	1691-98.
Palmer, John	1684, 85, 87, 88.
Peartree, William	1708, 09.
Phillipse, Adolph	1705-21.
Philiipse, Frederick	1675-88, 91-98.
Pinhorne, William	1691, 93-98.
Pratt, Benjamin	1762, 63.
Provoost, David	1708-11.
Provoost, William	1723-32.
Randolph, Edward	1688.
Reade, Joseph	1764-71.
Romer, Wolfgang William	1702-08.
Rutherford, John	1745-58.
Santen, Lucas	1683-86.
Schuyler, Peter	1692-1720.
Smith, Richard	1638.
Smith, William	1691-1704.
Smith, William	1753-67.
Smith, William Jr.	1767-76.
Spragge, John	1683-86.
Staats, Samuel	1690, 98-1702.
Steenwyck, Cornelis	1670-73.
Stirling, Earl of	1762-68.

NAMES.	YEARS.
Topping, Thomas	1665.
Townley, Richard	1692-98.
Usher, John	1688.
Van Cortlandt, Stephen	1680-88, 91-1700.
Van Dam, Rip	1702-35.
Van Horne, Abraham	1723-41.
Van Renselaer, Jeremias	1745, 46.
Van Rensselaer, Killian	1704-19.
Van Ruyven, Cornelis	1669-73.
Vermillye, Johannes	1690.
Wallace, Hugh	1769-76.
Walley, John	1688.
Walters, Robert	1698-1702, 10-28.
Walton, William	1758-68.
Warren, Peter	1745-52.
Watts, John	1758-76.
Weaver, Thomas	1701, 02.
Wenham, Thomas	1703-09.
White, Henry	1769-76.
Whitefield, Ralph	1668, 69.
Willett, Thomas	1665-72.
Willett, Thomas	1691, 97.
Williams, Thomas	1690.
Winthrop, John	1688.
Youngs, John	1683-87, 88, 92-98.

CHIEF JUSTICES OF THE SUPREME COURT.

Joseph Dudley, (1)	May 15, 1691.
William Smith,	Nov. 11, 1692.
Stephen van Cortlandt, (2)	Oct. 30, 1700.
William Smith, (3) (4)	Nov. 25, 1700.
Abraham De Peyster, (2)	Jan. 21, 1701.
William Atwood,	Aug. 5, 1701.
William Smith, (3)	June 9, 1702.

(1) Studied Divinity in early life and then engaged in politics.
(2) Merchant.
(3) Reappointed.

John Bridges,	April 5, 1703.
Roger Mompesson, (5)	July 15, 1704.
Lewis Morris, (6)	March 13, 1715.
James De Lancey,	Aug. 21, 1733.
Benjamin Pratt, (7)	Nov. 11, 1761.
Daniel Horsmanden,	March 16, 1763.
John Jay,	May 8, 1777.
Richard Morris,	Oct. 23, 1779.
Robert Yates, (10)	Sept. 28, 1790.
John Lansing, Jr.,	Feb. 15, 1798.
Morgan Lewis,	Oct. 28, 1801.
James Kent,	July 2, 1804.
Smith Thompson,	Feb. 3, 1814.
Ambrose Spencer,	Feb. 29, 1819.
John Savage,	Jan. 29, 1823.
Samuel Nelson,	Aug. 31, 1831.
Greene C. Bronson,	March 5, 1845.
Samuel Beardsley,	June 28, 1847.

COLONIAL COURT—ASSOCIATE OR PUISNE JUDGES.

Thomas Johnson, (11)	May 15, 1691.
William Smith, (12)	May 15, 1691.
Stephen van Cortlandt, (13) (2)	May 15, 1691.
William Pinhorne, (2) (14)	May 15, 1691.
William Pinhorne, (11)	April 3, 1693.
Chidley Brooke,	April 3, 1693.
John Lawrence,	April 3, 1693.
John Guest, (11)	June —, 1698.
Abraham De Peyster, (2) (15)	Oct. 4, 1698.
Robert Walters, (12) (2)	Aug. 5, 1701.

(4) Vice Van Cortland, deceased.
(5) Vice Bridges, deceased.
(6) Appointed by an ordinance of Convention; commissioned by Council of Appointment, October 17, 1777.
(7) Vice De Lancey, deceased.
(8) Vice Pratt, deceased.
(9) Appointed by an ordinance of Convention; commissioned by Council of Appointment, October 17, 1777.
(10) Term expired by age limit.
(11) Second Judge.

John Bridges, (11)	June 14, 1702.
Robert Milward, (11)	April 5, 1703.
Thomas Wenham, (12) (2)	April 5, 1703.
James De Lancey, (11)	June 24, 1731.
Frederick Philipse, (12)	June 24, 1731.
Frederick Philipse, (11)	Aug. 21, 1733.
Daniel Horsemanden, (12) (16)	Jan. 24, 1736.
John Chambers, (11) (17)	July 30, 1751.
Daniel Horsemanden, (12) (18)	July 28, 1753.
David Jones, (13) (18)	Nov. 21, 1758.
Daniel Horsemanden, (11)	March 26, 1762.
David Jones, (12)	March 31, 1762.
David Jones, (11)	March 16, 1763.
William Smith, the elder, (12)	March 16, 1763.
Robert R. Livingston, (13)	March 16, 1763.
George D. Ludlow,	Dec. 14, 1769.
Thomas Jones,	Sept. 29, 1773.
Whitehead Hicks, (18)	Feb. 14, 1776.

(12) Third Judge.
(13) Fourth Judge.
(14) Appointed C. J. January 21, 1701, and Associate Judge August 5, same year.
(15 Removed September 22, 1747.
(16) Reappointed October 14, 1761; resigned November 18, 1761.
(17) Reappointed October 14, 1761.
(18) Vice Livingston, deceased.

[*To be Continued.*]

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Pueblo, Col.

Dr. J. B. Torris,
Port-au-Prince.

Dr. P. C. Remondino,
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Paris, France.

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EDUCATION AND LEGISLATION IN THE PREVENTION OF TUBERCULOSIS.

BY CHARLES WOOD FASSETT, M. D., OF ST. JOSEPH, MO.

In this modest contribution to the symposium on the prevention of tuberculosis, I have considered but one of the few essential features involved in this great question, viz: Education.

It is appalling when we stop to reflect how many lives are sacrificed each year to this great plague,—more in fact than all the contagious diseases combined. What must be the ultimate end if its ravages be not checked?

What means are at our command for the prevention of this disease? Medical treatment has not been the success its advocates had so fondly hoped. Serum therapy has, to say the least, been a disappointment in so far as treatment of pulmonary tuberculosis is concerned.

Inasmuch as this is a constitutional disease with local manifestations, it becomes apparent that it must be combatted by building up the individual, and thus placing him in a resistant condition, rather than to expect a cure by specific medication. Healthy tissues are the best defence against the invasion of the omnipresent bacillus.

It becomes apparent to the thinking man that education is the key note to the situation, and must certainly pave the way to prevention. Education should be our watchword all along the line.

Bigotry, illiteracy and ignorance have been the barriers, formidable to a distressing degree, which throughout the ages have impeded the progress of medical and sanitary science.

It is plain then that we must educate first, the individual, then the community and the State. Educate our law-makers, our Congressmen, and our Senators, so that when im-

Contributed to the American Congress on Tuberculosis, June, 1902.

portant sanitary and health measures come up for consideraton they will act intelligently and for the best interests of the commonwealth.

Our plain duty is to educate the people to a point where they will appreciate the dangers that beset them by day and by night, as a pestilence that lurks in the darkness, and a destruction that wastes at noon day.

Where and how should this work of education begin? Most assuredly it should emanate from the family physician, as pointed out by Dr. W. J. Bell, of St. Joseph. (Medical Herald, June, 1901.)

"In our public and private schools, academies, colleges and universities, while the heads of the students are crammed with facts that can have no special bearing upon their future, that are to be forgotten as soon as they leave the shades of the academy, there is a sad neglect in teaching students how to care for their bodies and minds. The day has come when on every college staff there should be found a competent physician."

I would go a step further at this point, and urge that a suitable text book be provided for our public and private schools, from which the essential features of prophylaxis, sanitation and hygiene, as applied to the prevention of consumption, could be taught. The study of this text book of health should be compulsory in every school in the land. Dr. Wm. Warren Potter, in 1894, before the New York Academy of Medicine, emphasized the importance of energetic and persistent work and unanimous action on the part of the medical profession.

A move in the right direction was the legislation in New York State, which, through the efforts of Dr. Jos. D. Bryant, resulted in the destruction of tuberculous cattle.

Whether or not the later theory of Koch is correct, makes no difference in this case. The success of Dr. Bryant proves that the law-makers will listen to an earnest appeal from the medical profession.

Whether Koch is right or wrong, we are still presented with the grave facts, the powers of which in the destruction of human life are incontrovertible. Let us take no chances.

Behrens and other investigators contend that meat, cheese, milk, butter, etc., derived from tuberculous cattle, can produce tuberculosis in the human being. Rigid laws

regarding expectoration and inspection can accomplish much good along this line.

Surgeon General Wyman, of the Navy, and Surgeon General Sternberg, of the Army, have taken the initiative in applying the open air treatment to seamen and soldiers found to be suffering from pulmonary tuberculosis.

In summing up the possibilities of State and National legislation in behalf of the great army of tuberculous sufferers, as well as for the good of the coming generation, I would say first, educate, and thus make legislation possible and practicable. The popular prejudice against isolation and compulsory treatment, we can only hope to remove through education of the masses.

Dr. George Homan, of St. Louis, points out the importance of this feature in a paper read before the Medical Association of Missouri on "Public Sanatoria for Tuberculous Persons."

Educate, first, by the introduction into our schools of a suitable text book of health.

Secondly, by the employment of a competent physician as a teacher in our public schools.

Thirdly, by proper and scientific instruction of the public on sanitation and prophylaxis, through the medium of the magazines and the lay press.

Fourthly, instruction of communities and of public officers, including Congressmen and Senators, through National and State Boards of Health.

Fifthly, by the appointment of a Public Health Officer at Washington, who should be a member of the President's Cabinet; thus making possible, proper and efficient legislation governing the following:

Rigid medical and sanitary inspection of all schools, public and private, and the removal of all tuberculous subjects, whether pupils or teachers.

Rigid inspection of all work shops and factories; men. women and children found to be tuberculous should be forbidden to work, and if unable to pay for treatment, sent to a public sanatorium.

Rigid inspection and disinfection of all railroad stations and cars.

Regular inspection of the plumbing in public and private buildings.

The establishment of colonies in every State for the free open air treatment of pulmonary tuberculosis.

In these reforms outlined thus briefly, we cannot look for immediate results, but it is within the scope and power of this Congress to inaugurate the movement in their behalf, and I hope to see a decisive step taken in this direction before we adjourn.

TREATMENT OF TUBERCULOSIS BY NEBULIZATION.

BY JNO. A. DONOVAN, M. D., BUTTE, MONTANA.

The plan of treatment I shall here recommend is considered by no means specific, nor yet should it be used to the exclusion of any other method, for in this disease I consider the general, constitutional and hygienic conditions of the patient to be of the first importance.

The fact that all air should pass through the nose in order that it should reach the larynx, trachea and bronchia only after being properly humidified, armed and freed from all foreign matter, in a sense made an aseptic, (all of which is so admirably accomplished within the nasal chambers), makes it imperative that all patients with the slightest tendency to tuberculosis should be most carefully examined by a rhinologist, and every deformity likely to interfere with proper respiration corrected. The pharynx, nasal pharynx, tonsils, etc., must also be put in proper condition.

It is only within the lungs that the direct connection may be had (through the lymphatic stomata), between the external atmosphere and the interior of the blood vessels. The extreme thinness of this tissue shows at once how easily substances reaching the lungs in the proper physical condition may become absorbed.

It is a well known fact, that for rapidity of action, inhaled vapors are in the lead. Consider ammonia, nitrite of amyl, prussic acid, arsene and the various gases which produce constitutional effects with greater rapidity than could be secured by any other mode of administration. It, therefore, remains only to procure a specific remedy in the proper physical condition for absorption. Despite the statement of many authorities to the contrary, anyone can be easily con-

Contributed to the American Congress on Tuberculosis and read before the Medic-Legal Society, Sept. 15, 1902.

vinced that a remedy reduced to a nebula, on being inhaled reaches every space within the lungs. The expensive air tight cabinets, in which patients are placed, etc., though undoubtedly beneficial are certainly impracticable for a large majority of patients.

There is a great tendency for the tubercular patient to lead a sedentary life. Both his physical and mental condition contribute largely to this. As a rule they take but short breaths; the chest becoming contracted, shoulders stooped, and respiratory muscles degenerated through lack of use. In a considerable area of the lung the air never becomes renewed, thus the disintegration process is encouraged.

By the nebulization treatment the patient is encouraged to take deep inhalations, expanding the lungs fully, developing the chest muscles and the respiratory capacity. In addition to this physical quality, the fluid used, being of a mild, stimulating and antiseptic nature, proves decidedly to the patient's relief. Irritation is allayed, inflammatory products become disintegrated and eliminated, circulation is decidedly improved, collapsed portions of the lungs again regain their vitality, thus allowing not only the free contact of the medicina agents, but also the abundant supply of Nature's best remedy, oxygen, to every portion of the lung tissue. If in addition to this our appliances are so arranged that we are able, while the patient has his lungs fully expanded, to suddenly cut off the air, allowing it to accumulate in the flask till the pressure is raised, then the valve to be opened a few times rapidly, thus producing the pneumatic massage action which is equally distributed throughout the lungs. This has a most powerful, penetrating, expanding and stimulating effect.

Personally, I use the Globe MultiNebulizer, which allows the use of any one or combination of fluids to be used separately or combined This is provided with the large reservoir or storage bottle closed by a valve, which will allow sudden interruptions to be made in the pressure producing the massage action. These appliances being too expensive for the average patient, I advise them to get one or two hand nebulizers which may be operated by either a rubber hand bulb, or better still an air pump. A large size bicycle pump can

be secured most any place at very little cost and acts admirably. If the patient wish it, a tinsmith or plumber can make a compressed air tank of sufficient capacity for the individual use. This can be connected by rubber tubing to the nebulizer. The Globe Mnfg. Co. make quite a variety of these outfits at a reasonable price.

I advise the nose and throat to be sprayed with a weak alkaline antiseptic solution containing from ½ m to 2 m of formalin to the ounce. In the nebulizer I use a 50 per cent. solution of Guaicol in a light liquid Petrolatum base, e. g.: Alboline or some similar preparation. After inhaling this for 5 or 10 minutes, I use a mixture of formalin 4 per cent.; glycerine, 10 per cent., in water, for 5 or 10 minutes more. The glycerine reduces its irritating action, besides being necessary for nebulization. Inhalations must always cease as soon as the patient shows signs of irritation by cough. These remedies may be alternated by the use of a 20 per cent. Camphor Menthol solution in oil, to which oil of cassia, eucalyptol, pine needles, etc., may be added. Changing these occasionally seems to have a beneficial effect; besides the patient appreciates it. My experience with this method of treatment has been very satisfactory. One young lady in particular, a clerk, by being treated every morning was enabled to continue her work for many months. When she would omit the treatment for a few days, she invariably had to give up her work. By later going on a ranch in Colorado, she writes me that she thinks she is cured.

Fortunately in this State we see very few cases of tuberculosis except those developed by miners, which, owing to their environments, rapidly prove fatal. The great depth under ground and the dampness of the mines, with the changes of temperature have a most debilitating effect.

THE OBLIGATION OF THE STATE IN REFERENCE TO HEREDITARY AND ACQUIRED TUBERCULOSIS OF CHILDREN.

BY M. MARKIEWICZ, M. D., OF NEW YORK CITY.

Hereditary predisposition for tuberculosis is an undisputed fact known even to the laity, but the ways and means of this transmission are not so clear, and medical science is yet undecided as to the questions: whether the disease itself is transmitted to the offspring, or certain conditional defects only, favorable to the development of baccili entereing from the outer world; whether both parents, if affected with phthisis, contribute to the hereditary tendency of their children in an equal measure, etc., etc.

The same uncertainty exists as to the age at which the first symptoms of tuberculous infection manifests itself when inherited.

Practitioners of former days took it for granted that the first symptoms of hereditary tubercular diathesis appear about the time of puberty. But at present we know better.

Professor Gerhard mentions in his clinical lectures of a patient now sixty years old and suffering with advanced phthisis, who, when a small child, was operated for tuberculosis of the ulnar joint, which goes to prove that a hereditary predisposition may manifest itself early in life and under favorable conditions, last till old age.

In our own practice, and in medical literature we find many instances of a very early development of hereditary tuebrculosis. Very interesting in this respect are the researches of Dr. Friederich Franz Friedman, a Berlin physician at Prof. Gerhard's clinic. He found that during six years, (1885-1891), there were at that institution 2,984 cases of phthisis, (tuberculosis of the lungs or tuberculous menin-

Read before the American Congress on Tuberculosis, in joint session with the Medico-Legal Society, June 4, 1902.

gitis). Of 982 of these patients, or in 33 per cent., there was positive evidence of the transmission from parents, and of this number there were 503 cases, (51.2 per cent.) with heredity from father; 323 cases, (52.8 per cent.) with heredity from mother; 157 cases (15.9 per cent.) with heredity from both parents. In about 1,250 of the cases, or in 41.8 per cent. of all the evidence was less positive, but still probable, and in 751 patients, or in 25 per cent. there was no apparent connection with heredity.

The same author mentions also a very instructive case in the family of a well known Berlin physician, who is suffering with tuberculosis.

Father, who died a few years ago, of tuberculosis pulmonum, had in his early childhood a tuberculous inflammation of the knee joint. The mother, a giant weighing 220 pounds, is in robust health and has ever been so; a brother of patient was very healthy and strong till the twenty-first year of his age, when he suddenly became sick in spite of the most favorable sanitary conditions, and presents now symptoms of unmistakable tuberculosis; another brother, very young, is weak and has suspicious symptoms; another brother, 18 years of age, is entirely healthy at present; a sister, still a child, is suffering with chronic laryngitis, which is very likely of a tuberculous nature.

Similar cases can be gathered from other sources in our medical literature, and there can be no doubt as to clear cases of hereditary tuberculosis in children, even of the tenderest age.

As to the acquired tuberculosis of children, I refer to a very interesting report of Dr. Dieudone (Wuerzburg). He states that the frequency of tuberculosis among children is in proportion to their age, and refers to a similar opinion of Feer. Feer found that during the first months after birth, tuberculous symptoms are very rare, and even from the fourth to the sixth month of life they appear very seldom. But when the child be past one-half of its first year of life, the frequency increases with every month, reaches its maximum at the end of the first or second year, and begins to fall in the third year.

Feer explains this increase and decrease by stating that it depends on the opportunities to catch the infection from the

surrounding media. There is, he says, a very small chance for an infant to become infected, because it is all the time in bed, or on the lap of its mother. But the chances of infeciton increase considerably when the child begins to grasp things, to creep on the floor, etc., etc. Then on the hands and feet of the children we find an accumulation of dirt and dust, which oftentimes is mixed with sputum and saliva of the adults who surround them, and who being sick with phthisis, nevertheless spit and expectorate directly on the floor, and in this way transmit their baccili.

I have also noticed the superstition of women not cutting the nails of children before the first year, and there we find also, accumulating dirt and tubercle baccili.

The introduction of these baccili into the body of the child is made even easier during dentition, as at the time the increased secretion of the nose and mouth causes many excoriations which serve as an open gate for the baccili.

In the same manner the different eczemata of the children may be considered as good points of entrance for the baccili.

All these facts were ascertained by Feer in a clinical way, but were never corroborated by experiments. In order to find such a scientific basis Dr. Diendonne occupied himself for one year with experimental researches on this line, and obtained results which fully verify the observations of Feer and others.

For his experiments Dr. Diendonne selected 15 children aged from three-quarters to two and one-half years, whose parents were known to him to be suffering with phthisis; the children living in dirty houses, kept unclean, and left most of the time to themselves. From the hands and mucous membrane of these children he gathered the baccili with which he innoculated different animals. The result was positive in each case.

Other experiments made by Cornet that that even dried dirt may contain tuberculous baccili, and so become very dangerous to persons who inhale this dirt in the shape of dust.

In order to prove this, Cornet in his experiments, tried to imitate natural conditions as they exist oftentimes, especially among the lower classes.

In a room especially chosen for this purpose, Cornet

placed a carpet and an old bed rug. On this he spread some dirt swept from the room, and some sputum taken from a patient suffering with chronic phthisis. All this he left for a time till it became entirely dry. A part of the sputum he separately mixed with dirt, and likewise left it to dry, when he pulverized it in a mortar.

After two days he placed into this room 48 guinea pigs which he arranged in three divisions.

The first division, containing 12 animals, he put under such conditions that they had to inhale the dust, namely six of this dozen were compelled to inhale by the nose, and the six others by the mouth, each being in a distance of ten to twenty c. m. from the other.

The second division, composed of 24 pigs, he placed on shelves of a different height, of which 7, 40, 93, 193 cm. above the floor also at different distances. Before these shelves he placed the carpet be-spattered with sputum, and swept so violently that dust came in a cloud.

The third division was placed in the room in separate stalls.

Of all these 48 pigs, 47 became infected with tuberculosis, as was proven by subsequent autopsies.

The author himself feared infection during these experiments and took many precautions. He wore a long closed coat reaching to his feet. His head and face was covered by a closely fitted kerchief, leaving only two small apertures for the eyes, and these apertures were fitted out with transparent gauze sewn in tightly. The eyes were besides covered by spectacles. His mouth and nose were covered by a thin layer of cotton. But in spite of all these precautions a pig inoculated with the mucous excretions of the author's nose, became soon infected with tuberculosis.

Considering all this evidence we understand easily that children, even very small ones, are very much exposed to both hereditary and acquired tuberculosis, and oftentimes are even more endangered than adults.

If this be admitted, as I think it must, then our duty of battling with the inherited tendency on one hand, and guarding against the sources of infection on the other, can hardly be questioned.

Of course every physician can do much in this respect by

advising the parents and guardians of the children what to do, and how to do it, and by helping them in their work.

But the chief obligations should lie on our State authorities, who have, or ought to have, all the power and all the means necessary for this object. Not only because we know that an ounce of prevention is better than a pound of cure, but also for the additional reason that in spite of favorable statistics published lately at the Congress of Tuberculosis in London, the tuberculor baccilus is ravaging in our city (New York) as bad as ever. In my opinion we cannot rely on such statistics as we have at present in respect to deaths from tuberculor diseases, and we will never be able to rely on these reports if the life insurance companies do not change their conditions of insuring. As long as such cases are excluded from this benefit, and the families of the deceased deprived of their only help in their misfortune, people will always find physicians who for charitable or other considerations, will certify that this patient died from some disease other than phthisis. The duty of the State is to make the new generation resistant against the tuberculor diseases, and this can be achieved only by an appropriate physical training of the children, especially at the schools.

To call your attention, gentlemen of the Congress, to the duties of the State in this respect is the chief aim of my remarks, although I would like at the same time to impress press you with the importance of early prophylaxis in general.

Now what can, and what shall the State do?

In my opinion the duties of our health boards are as follows:

1st.—To issue circulars explaining in a popular, plain manner, all the facts of heredity, and teaching the population how to counteract this dangerous tendency.

2nd.—To enforce laws of strict cleanliness in the houses where children live, or where they remain for a certain time of the day, also cleanliness of their bodies.

3rd.—To provide at noon time wholesome and appropriate food to school children.

4th.—To compel children in schools to breathe fresh air; to take plenty of exercise in the sun, and to harden their bodies by hydropatic procedure, scientifically applied.

5th.—To take care that children be clothed according to the necessities of climate and season.

6th.—To arrange the training system of children so that it shall include horticulture, (gardens around the schools), gymnastics, bathing, swimming, etc.

7th.—To separate healthy, or apparently healthy children, from other children or adults suffering with phthisis, in their houses as well as everywhere; making no exceptions even for the mother of the child, if she be afflicted.

8th.—To insist, as much as possible, that mothers suffering with phthisis, or wet nurses in the same condition, shall not be permitted to nurse, or wet nurse children.

9th.—To forbid children, especially those who have a hereditary tendency, to play with domestic animals, as this may also be a source of contamination.

10th.—To submit all children, or at least school children, to frequent medical examinations, in order to ascertain their general health, and especially the condition of their lungs.

With these recommendations I close my sketch, which by its very nature cannot be exhaustive, and was not meant to be so.

If I succeeded in calling your attention to an important theme, which, as much as I know, is not often ventilated in our societies, I believe that your time and mine will not be entirely lost.

Finally, I take the liberty to submit to you, by way of supplementing my own remarks, a translation of a popular German brochure, prepared by the Imperial Health Board of Germany, under the title of "Tuberculose Merckblatt," and hope that this may also serve as a basis for our own health authorities.

TUBERCULOSIS IN ITS PATHOLOGICAL AND BACTERIOLOGICAL ASPECTS.

BY WILLIAM SEAGROVE MAGILL, A. M., M. D.,
Of the Carnegie Laboratory of the New York University.

Ladies and Gentlemen:—

The thanks of each member of this Congress are due, both to the chairman of this section for his thorough and comprehensive resume of the bacteriological problems appointed for your consideration this morning: and to the speaker who has just preceded me, for his strong insistence upon the clinical study and more efficient therapeutical measures due to a tubercular patient from his medical counsellor.

I esteem it an especial privilege to open the discussion of these papers, before this assembly.

For the honor of this invitation, permit me to express my thanks to the officers of this congress: and for your cordial reception, to its members.

It would seem that little more could be added to the complete paper of your chairman. The precision of its technical qualities is rendered more striking by the paper which followed it. Listening to the opening address it seemed that this question of tubercular dissemination and infection should be a very simple one, ready to yield up its secrets to a few direct experiments that would be easy for one equipped with so elaborate bacteriological instrumentation and technique as has been portrayed by your chairman this morning.

The retrospect of microbiology and the close resume of its immense progress which he has given us rightly engendered in this audience a full spirit of scientific enthusiasm. If I interpret correctly the feeling of the auditors of the next, the clinical paper, the first glow of scientific ardor was somewhat diminished by its tone. That this effect upon his

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listeners was not intended by the author, I fully believe, but if at the close of this session there may remain with you no shadow of question of the full value of complete investigation of these bacteriological problems by the most thoroughly equipped and trained scientists, if contributory to that end, I shall esteem myself most fortunate as a laboratory man to have been permitted to open the discussion of these two papers.

We learn almost solely by experience. The man in the laboratory,the oft-times so-called theorist, may frequently be carried so far aside from the practical issue of a question, that he be lost in the intricacies of technique or the delight of establishing a fundamental point of microbiology.

To avert this danger, the warning, the insistence upon the practical results that comes from our clinical man is of utmost value and should always be warmly welcomed. Perhaps it was in no way the object of this clinical paper to cry down the scientific value of laboratory investigation in this subject of tuberculosis, but that such was the effect, you will attest. For this reason, pardon me, if I dwell upon the point at some length. The public in general, the intelligent reader, even investigators in other branches of science, as well as all members of the medical profession not closely identified with recent laboratory work in bacteriology, the greater part of young bacteriologists themselves learn only with difficulty, or slowly to fully estimate the complexity of a problem and the ever occurring intricacies of investigation in this field.

It is a characteristic of the American people to look for quick results. We are accustomed, the more difficult the undertaking to accomplish it, nevertheless, by bringing into play that much the greater energy. To a certain extent this manner of obtaining results is possible in scientific investigation, but there are limits to such possibilities. Most strikingly is this to be realized by workers in the comparatively recent field of investigation,—bacteriology.

Here the solution of almost any problem involves so many and diverse investigations, the conclusions of which must be previously attained before consideration of the original problem can be based upon sufficient data to insure scientific ac-

curacy, that the end of each question, like the mythical jack-o'lantern, constantly rests just beyond the grasp of the patient investigator.

It is a lesson hard to learn and hard to teach that the development of truth, the establishment of absolute scientific fact, is only to be had at the expense of multiple error and frequent, almost disheartening disappointment. They only progress who learn by previous error.

This very subject of tuberculosis, which for the last twenty years we are accustomed to consider as well on the path of scientific knowledge and experiment, stands where it does to-day over a multitude of mistaken theories and even announced facts. Early in the days of bacteriology, Koch, one of the most brilliant of its students, published far and wide the discovery of the bacillus of tuberculosis. In the lapse of twenty years time we are concluding that it is not a bacillus. The same claimed that this germ caused the tubercle from which the disease derived its name. That the immediate cause of the tubercle is a chemical substance and not a bacillus, the work of recent years has proved. Dr. Koch subsequently isolated, distributed and used the now well known tuberculin which he claimed to be a scientifically established cure for some forms of tubercular disease. It failed. A second tuberculin from the same investigator likewise failed. As a matter of fact then, Koch's investigations of tubercular disease, in which he has been the pioneer, and to this day stands foremost as the master, in public opinion, the record of his published work, is, in these respects, a record of failure. He announced the determining specific microbe of this infectious disease to be a bacillus which in all probability it is not. He announced a first and second curative fluid which does not completely possess such qualities.

But that our faith in this new science be not shaken by such scccessive failures, it is sufficient to observe that they teach us.

In the effort to dislodge from its throne of bacillus Koch's specific microbe, attaining even this result we have learned of a new class of pathological parasites—aspergilli, myceites, etc.

In this new group of parasites the involved biological principles of a higher type of life but in degenerate form, explains to us the unusual many sided resistance to extermination of the tubercular microbe; that which was difficult of explanation when regarding this germ as a bacillus. This much then we have learned in proving an error.

More than this, in the days of shaken faith, in the infallibility of bacteriologists: as the Indian returns to mother earth for strength, back to the first principles of biology do we go for knowledge in each new perplexity. In the study of the tubercular microbe as a degenerate form of a higher type than the bacillar life, slowly have we learned the multiple variety of forms possible for microbes when subjected to diversity of environment or of function. This, usually designated pleomorphism, establishes its bases more firmly with each investigation within the scope of which its role is fully recognized. And hence imbued with a better microbiological knowledge of tuberculosis, that which has been learned from previous errors, we stand to-day better able than ever before to take up the complex question of unity or non-identity of tubercular infection in the animal kingdom.

The failures of both tuberculins as curative substances, erroneous as they have been in conception, as may have been their physiological deductions for therapeutic use, mistaken and even disastrous as were the multiple clinical experiments therewith, all these errors, if you like, have been perhaps but the necessary steps to our knowledge of the use of serums, toxins and anti-toxins at the present day.

Can it then be understood why scientific results, real facts are often slow in discovery and particularly in establishment? Are we right also in claiming that we learn by error? Whenever a clinical man reproaches the laboratory, does he do so with a full knowledge and realization of laboratory difficulties, and what should be his own relation to scientifically trained investigators? To the clinical side of a question we must turn for collection of our data and material for investigations. From the clinic should come our best aids of suggestion and query for the laboratory experiment; and back to the clinic, for there alone is the test of success, must go the laboratory results.

But no clinical man must ever forget that to the well equipped laboratory and the men trained to the work therein, he is inevitably indebted for every theory, its establishment and control that marks the scientific progress of the world. The clinical man himself is unworthy the name who has not been trained thereto by years spent in acquiring the so-called fundamental sciences of medicine—physics, chemistry, physiology, biology, anatomy, etc.,—all of which as sciences exist only on their laboratory achievements and possibilities.

In closing, it would seem, that it might be said, a laboratory man is too far removed from clinical observation and experience for the best interests of his work.

Without a closer approach, there is danger, that removed from this fountain of suggestion, this training of observation and deduction, and the legitimate enthusiasm of observed successful results of his clinically applied laboratory methods; there is danger, I say, of narrowing the mentality of the laboratory man, to make of him a mere babbler of routine technique.

But on the other side of the question are faults equally as great. We are too accustomed to hear the peddler of pills, a more or less quack, and many whose medical education has been deficient in laboratory training; one might say in the fundamental sciences of medicine, such men we hear prate of the clinic. Such examples, however, are not admissible for discussion at this congress. At most, a clinical man here present would permit a criticism that heretofore his unfamiliarity with laboratories and their workers has caused him to fail in the full realization not only of their difficulties but likewise their success. It required twenty years from the time of its laboratory origin to disseminate through the clinics of Europe the use of general anesthesia. The germ origin of infection was published from the laboratory of Pasteur almost twenty years before its clinical application by Lister, thus establishing antiseptic methods of surgery; and so in an over-extended list can be called to your mind the distance at which the clinic follows the laboratory and the discouraging slowness with which it profits by laboratory theories and methods.

I am fully convinced that the laboratory man wrongly isolates himself from the clinic, for in his heart the clinical man is considered an ignorant and inferior. To a measure this is true. The clinical man despises the laboratory for the paucity of its results, the frequent narrow mentality of its workers whose real value he is not fitted to understand. For he does not read. That which his laboratory contemporary may have accomplished, by reason of his clinical slowness, may reach its practical results only for his son's generation.

This should not be so. A perfection of scientific work is to be found only in close co-operation. Every interest that centres on any problem, its solution, its application, the results, all should be of equal interest to every worker therein engaged. The laboratory man cannot be in too close touch with the clinic, its inspirations, suggestions, results and applications, are as necessary for the vitality of laboratory research as air for life. And the clinical man, carrying as he does the burden of human suffering, counsellor of humanity in its misery, in many cases its only vital savior, cannot avoid the moral obligation of co-operation with and debt to the laboratory investigator. Every step that the laboratory makes possible for the alleviation of disease or its cure, every advance in preventive medicine for the protection of human life that comes from the laboratory, every one of these scientific results must be known promptly, utilized intelligently and efficiently by the clinical man. For as a physician, he is held by the highest moral obligation to be the protector and preserver of life for mankind.

WEIGHT IN TUBERCULOSIS.

BY LUCIUS B. MORSE, M. D., ASHEVILLE, N. C.

For centuries physicians have recognized the characteristic habit of body and mind in conjunction with the paralytic or phthisical chest which so commonly predisposes its possessor to pulmonary tuberculosis. The sloping shoulders, flat chest, wing-like scapulae and vertical ribs, diminished respiratory movements, coupled with well-developed mental faculties, seemingly at the expense of the body—all these have long since been recognized. When such a person developed "consumption" the old belief was that the disease was inherited. Now we know, or think we know, that such a person is only predisposed, strictly, not to consumption—for, in truth, this word should only be used where breaking-down has actually taken place—but to tuberculosis. Nor is it necessary that such a habitus should have had tuberculous parents. I am convinced that any severe chronic illness on the part of parents, though particularly affecting the mother during the months of pregnancy, will confer a weakened resistance upon the child. Such a weakened cellular resistance predisposes that child, not only to glandular, and later, to the pulmonary forms of tuberculosis; but as well, though perhaps in a slightly less degree, to many other constitutional diseases dependent upon a lowered nutrition.

After all, however, is not this characteristic "phthisical habitus" only a striking type? Like most types, it is unmistakable and significant. However, it seems to me that the almost infiinite variety of exceptions and variations from this time-honored picture greatly outnumber the picture itself; for certain it is that a large percentage of persons who develop pulmonary tuberculosis never have had this pre-

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disposing habit of body. It is, of course, admitted that, after the affection has once developed, as a result of the wasting of the subcutaneous fat and atrophy of muscles, we frequently observe the phthisical thorax.

There is, I believe, one condition present in a large percentage of persons who are predisposed to, and later, develop tuberculosis, and that is a diminution of body weight.

For some time the writer has been struck with the fact that it was the exception to find a person developing tuberculosis whose normal average weight, in health, had been up to the correct average—height and age being taken into account. It was to ascertain the percentage of weight diminution in persons who later developed tuberculosis, that the following investigation was made. I have, during the last three years, kept some records and charts of cases treated and others coming under my observation. Especially, however, am I indebted to a number of Asheville physicians who have kindly given me valuable data from which the following statistics were compiled.

By Chart I account is taken of (a) normal average weights in health; (b) greatest previous weights; (c) correct average weights insurance statistics; (d) percentage ratio minus and plus between normal average weights and insurance averages; (e) ideal weights United States Army, and (f) percentage ratio minus and plus between normal average weights and United States Army averages. Explanation of insurance weights is noted in Chart II. This chart was compiled by Dr. M. E. Moss, from 133,940 successful applicants for life insurance, giving the average weights for certain heights with age corrections. The chart applies only to males, and the weights and heights are taken with clothing. In the ideal weights United States Army, the figures are computed in this way,—two pounds per inch for the first five feet (60 inches), four pounds per inch for the next six inches, and six pounds per inch for every additional inch. These figures are stripped heights and weights. The entire weight of moderately heavy clothing of a man of medium height is about eight pounds. To make the insurance and army standards correspond, it was necessary, in calculating the latter, to subtract one inch from insurance heights; then, after computing, to add eight pounds for clothing. It will

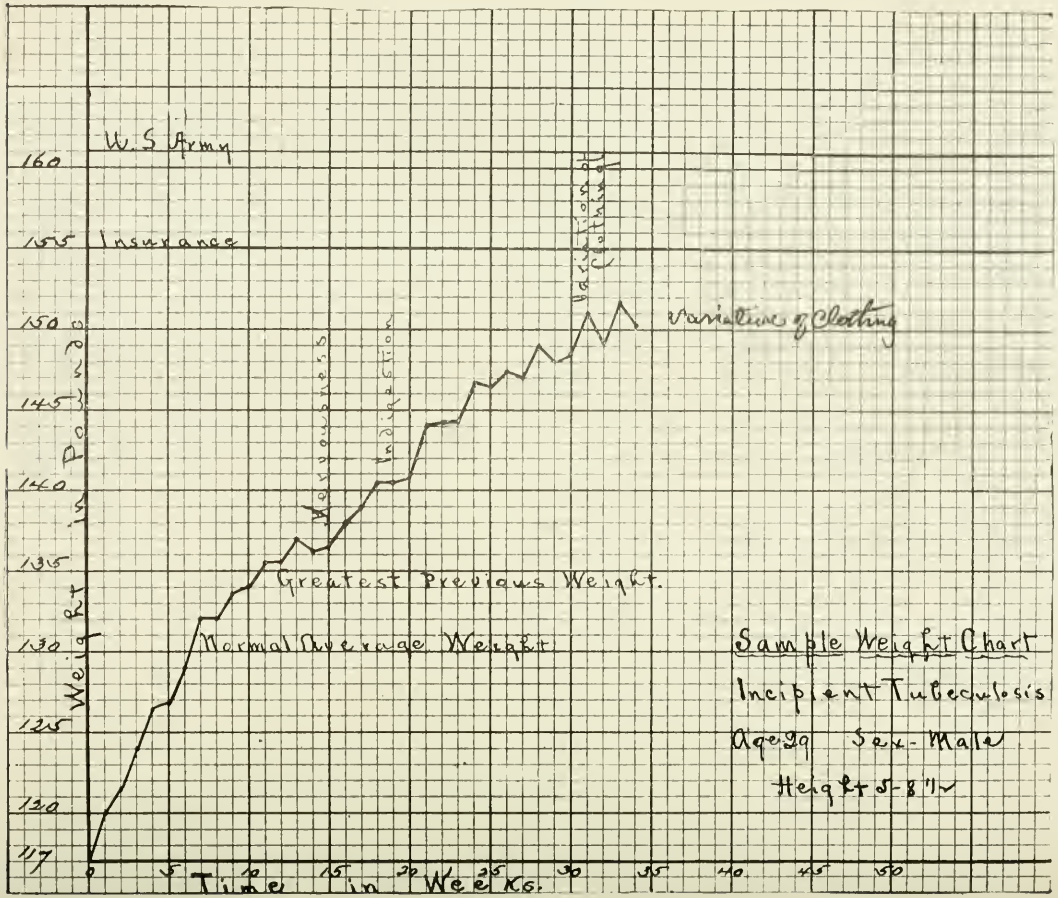
W.S Army
Insurance
160
155
150
145
140
135
130
125
120
117
Weight in Pounds
Variations of Clothing
Variations of Clothing
Malnourishness
Indigestion
Greatest Previous Weight.
Normal Average Weight.
Sample Weight Chart
Incipient Tuberculosis
Age 29 Sex - Male
Height 5-8 1/2
0
5
10
15
20
25
30
35
40
45
50
Time in Weeks.

CHART I.

be noted that the insurance and army weights are quite different, the latter being considerably heavier. The reason for this, after a little thought, was quite obvious. The class of men from whom the insurance statistics were compiled naturally come from the cities and towns; men who are quite generally healthy, but whose lives are largely sedentary and indoors. On the contrary, the men who enter the army, particularly in time of peace, are largely well-developed muscular fellows, and represent a high type of physical manhood,—the standard for admittance into the Army being very high. It was for this reason that I called the United States Army standards "ideal weights." In computing the army weights, there is no age correction, so that in persons well advanced in years, the insurance weights sometimes equal, or even surpass, the army weights; but this is due to adipose tissue. In computing the insurance weights for women, the Nylic Standard Table of Heights and Weights in use by the New York Life Insurance Company was used and is very convenient.

Of the 79 cases studied (See Figure 1), 2 cases could not be included as no data concerning correct averages could be obtained for their ages, leaving 77 cases for consderation, the results of which were as follows:

A. Comparison of Normal Average Weights with Insurance Standards.

60 cases averaged 20 lbs. under weight, or 13 per cent.
15 cases averaged 10 lbs. over weight, or 7 per cent.
2 cases equalled Insurance Standards.

B. Comparison of Normal Average Weights with United States Army Standards (51 males).

47 cases averaged 27 lbs. under weight, or 16 per cent.
3 cases averaged 10 lbs. over weight, or 6 per cent.
1 case equalled U. S. Army Standard.

It will thus be seen that by far the large majority of persons who contract tuberculosis have, all their lives, been under-nourished. This is in accord with insurance statistics. Very much of late has been said and written of the lowered vital resistance which is such a predisposing factor to tuberculosis. It would seem as though a diminution of body weight, other things being equal, is the surest index of this lowered vital resistance.

Figure 1.

No.	Age.	Sex.	Height.	Normal average weight in health.	Greatest previous weight.	Correct wght. (Insurance statistics.)	Percentage above or below.	Ideal weight, U. S. Army.	Percentage above or below.
1	24	M	5— 7	135	141	142	— 5	152	—11
2	33	M	5— 7.5	150	167	152	— 1	155	— 3
3	26	F	5— 2	120	125	120	0	...	....
4	27	F	5— 3	120	130	125	— 4	...	....
5	36	M	6— 1	135	135	185	—28	182	—26
6	24	M	5— 9	146	150	150	— 3	170	—14
7	34	M	5—11	150	150	160	— 6	176	—15
8	28	F	5— 3 7	125	136	128	— 2	...	....
9	25	M	5—11	138	...	162	—15	176	—22
10	43	M	5— 6.7	128	140	155	—17	151	—15
11	17	F	5— 4.5	104	104	125	—17	...	....
12	55	M	5—11.5	167	180	180	— 7	179	— 7
13	36	M	5—11.5	145	152	176	—18	179	—19
14	20	F	5— 5 2	110	120	127	—13	...	....
15	22	M	5—10 5	125	136	154	—19	173	—28
16	27	M	5—11	175	187	164	* 7	175	0
17	31	F	5— 8.5	146	150	148	— 5	...	....
18	14	F	5— 2.7	96	96	...	....	...	....
19	30	M	5— 8.5	134	140	155	—14	161	—17
20	22	M	6	148	153	165	—10	182	—19
21	32	M	6— 3	150	160	195	—23	196	—21
22	45	M	6— 1	185	190	191	— 4	188	— 2
23	17	M	5— 6.5	128	132	135	— 5	149	—14
24	26	M	6— 0.2	160	170	172	— 7	184	—13
25	19	M	5— 7	135	138	142	— 5	152	—11
26	35	M	5—10	150	169	166	—10	170	—12
27	27	M	5— 5	135	140	138	—21	144	— 6
28	26	M	5 — 8	135	140	151	—11	158	—13
29	35	M	5— 8.5	172	172	158	* 9	161	* 7
30	22	M	5—11.5	163	170	163	0	179	— 9
31	35	F	5— 2	145	149	125	* 16	...	....
32	29	M	5—11	140	145	164	—15	176	—20
33	25	M	5 — 6 6	125	...	142	—12	150	—17
34	38	M	5— 8	123	...	157	—22	156	—22
35	21	M	6— 1 3	138	145	172	—20	190	—27
36	32	M	5— 7.7	126	135	150	—16	156	—20
37	22	M	5 —11	135	140	159	—15	176	—23
38	18	M	5—10.5	125	125	156	— 20	173	—28
39	30	M	5— 8.5	130	134	155	—16	161	—19
40	38	M	5— 8 9	130	135	162	—20	164	—21
41	30	F	5— 4.2	116	120	130	—11	...	....
42	31	F	5— 5.7	110	118	137	—20	...	....
43	27	F	5— 3	93	99	126	—26	...	....
44	42	F	5— 1.7	110	118	124	—11	...	....
45	28	M	5— 9	146	149	155	— 6	164	—11
46	45	M	5—11.5	155	170	183	—15	189	—18
47	24	F	5— 5	135	136	129	* 5	...	....
48	18	M	5— 6	120	125	135	—11	148	—19
49	39	M	5— 7.5	145	156	154	— 6	155	— 7
50	21	F	5— 2	134	135	123	* 9	...	....
51	60	M	5—11 5	170	185	182	— 7	179	— 5

* Plus or above correct or ideal weight.

(FIGURE 1—CONTINUED.)

No.	Age.	Sex.	Height.	Normal average weight in health.	Greatest previous weight.	Correct wght. (Insurance statistics.)	Percentage above or below.	Ideal weight, U. S. Army.	Percentage above or below.
52	39	F	5— 3	138	152	132	* 3	...	....
53	48	M	5—11.7	148	153	182	—20	180	—18
54	24	M	5— 6 5	130	...	140	— 8	150	—13
55	33	F	5— 6.5	160	170	142	* 13		....
56	18	M	5— 4	106	115	131	—20	140	—24
57	29	F	5— 5.5	125	180	140	—11	...	....
58	17	F	5— 3.5	110	115	...	....	...	....
59	26	M	5— 5.7	120	130	141	—15	147	—18
60	21	M	5— 6	112	118	137	—18	148	—24
61	24	F	5— 5	110	117	129	—15	...	....
62	44	M	5—10.5	185	187	173	* 7	173	* 7
63	42	F	5— 2	136	138	128	* 6	...	....
64	49	M	5— 6.5	145	...	153	— 5	150	— 3
65	20	F	5— 4	125	138	123	* 2	...	....
66	23	M	6— 2	130	147	176	—26	194	—24
67	20	F	5— 2.5	105	115	118	—11	...	....
68	33	M	6— 1.5	160	183	185	—14	191	—16
69	66	M	5— 6 5	130	...	185	—30	150	—13
70	23	F	5— 2.5	108	116	120	—10	...	....
71	32	M	5— 8	130	...	154	—16	158	—18
72	28	F	5—00.5	130	140	125	* 4	...	....
73	23	M	5— 6 5	143	155	140	* 2	150	— 5
74	22	F	5— 5 3	125	140	128	— 2	...	....
75	26	F	5— 4	130	...	127	* 2	...	....
76	29	M	5— 7.3	160	162	148	* 8	153	* 5
77	24	F	5— 9	155	160	141	* 9	...	....
78	42	M	5— 7 5	145	149	157	— 8	155	— 6
79	20	F	5— 4.7	110	126	126	—15	...	....

RELATION OF WEIGHTS TO HEIGHTS.

Compiled from 133940 successful applicants for insurance.

Height	5ft.	1	2	3	4	5	6	7	8	9	10	11	6ft.	1	2	3
18 to 25 yrs..	120	122	124	127	131	134	137	142	146	150	154	159	165	170	176	181
25 to 30 "	125	126	128	131	135	138	142	146	151	155	159	164	170	177	184	190
30 to 35 "	128	129	131	134	137	141	145	150	154	159	164	169	175	181	188	195
35 to 40 "	131	132	134	137	140	143	147	152	157	162	167	173	179	185	192	200
40 to 45 "	133	134	136	139	142	146	150	155	160	165	170	175	180	186	194	203
45 to 50 "	134	136	138	140	144	147	151	156	161	166	171	175	183	186	198	204
50 to 55 "	134	136	138	141	145	149	153	158	163	167	172	177	182	188	194	201

The investigation probably would never have been undertaken had I not become impressed of one very important fact, both from the standpoint of prophylaxis and treatment, namely: That it is not only highly desirable, but altogether possible, for, at least, a very large proportion of individuals to put on good flesh; in most instances consderably surpass-

ing their greatest previous weights, even to arriving at insurance standards.

Now, let us briefly consider some of the usual objections raised to what has been called "injudicious weight gaining."

First of all, as was pointed out by Dr. Moss at the Fourth Annual Meeting of the National Fraternal Congress, longevity is greatest in (a) persons whose heights are medium ones. The average American height is 5 feet 8½ inches; English, 5 feet 9 inches, and Scotch, 5 feet 10 inches. It is interesting to note that those persons who were 5 feet 7, 8 and 9 inches were considered the best risks. The greater the variation above and below these heights, the shorter the lives. What was of more importance, however, was (b) the value of an average weight for a particular height. It was found that under-weights died of tuberculosis and nervous diseases, and over-weights of heart disease and apoplexy. Dr. Moss considers under-weights poor risks when 20 per cent. below the limit. He considers an increased height beyond 5 feet 10 inches an increased hazard.

It may be argued that no hard and fast rule can be laid down for every individual; that you cannot make people to order or "stuff" them up to a high point and make them stay. Persons will be pointed out who have all their lives been thin, yet have enjoyed most excellent health. Nevertheless, the fact remains that a highly nourished body is an index of the resisting power of that body, that persons who are nearest to the average for their particular height, are the longest lived. It has been thought that hyper-alimentation would surely disturb the stomach and cause intestinal fermentation, putrefaction, constipation and the whole train of symptoms due to absorption of poisonous bodies. In considering this objection I want to say that the indigestion, which exists in the great majority of both the predisposed and in developed cases, is not due to organic changes. It is true that their digestive functions are lowered, but the cause is one of gastro-intestinal atony. The involuntary muscles of the intestinal tract, like the skeletal muscles, are simply atonic. As Knopf pointed out, however, very many of these patients have the power to digest and assimilate more food than their appetites would seem to indicate. Many of these people, particularly women, are hereditarily poor eaters.

All will agree that the end to be attained by an out-of-door life, careful regulation of rest and exercise, etc., etc., is the increasing of bodily resistance. But, it might be asked, does a mere increase of avoirdupois increase in the same ratio the resistance? In answer to this I will say that almost all phthisio-theurapeutists agree in saying that a uniform gain in flesh is almost always accompanied by an equally uniform improvement in the disease. It also seems to me that too many physicians minimize the value of fat. Certain it is that persons having considerable adipose quite rarely contract tuberculosis. The fat acts as a protection against cold, and, by its oxidation, is a source of much energy. Adipose tissue, the liver and the spleen are the three great storehouses of the body. During starvation, these tissues undergo the greatest loss, their stored-up materials being carried to the more vital organs. From this one physiological fact it stands to reason that a goodly supply of this hydro-carbon is advantageous. The now well-established treatment of essential neurasthenias (a disease in which the tissues are very similar to tuberculosis) is rest and hyperalimentation. It is also claimed that weight thus gained is not substantial and cannot be held. This is true within certain limits, but my experience is that patients, who have maintained quite an excessive body weight for some time, do not return to their old diminished weights, but, instead, keep a relatively high mark, perhaps equal to, or above, their greatest previous weight.

In the treatment of any particular case, assuming that there is no organic stomach or intestinal lesion, the stimulation of the appetite by tonic measures is indicated. First, and by far the most important, is fresh air. The continuous uninterrupted exposure to the fresh air must ever be our sheet anchor in the treatment of this disease. Tonics administered one-half hour before meals greatly stimulate the appetite. In forcing the nourishment, only allow such food as experience has shown can be digested and assimilated; however, one should insist on their taking those foods slightly in excess of their desires. For a few days, such a course will be accompanied by a sensation of satiety, but this passes away and, at the end of two or three weeks, patients are astonished to find that they can take an appre-

ciable increase of food without the sense of fullness at first experienced. Ample time should be spent at meals, an hour at each probably being none too much. This is an important instruction; they will then thoroughly masticate their food, and, at the same time, quite unconsciously, eat a larger quantity. The recent advocates of the raw meat treatment claim for it the substitution of a gouty for a tuberculous diathesis. The reasoning is sound and good results are claimed. However, a generous diet seems to be most widely followed.

For the correction of constipation, fermentation or putrefaction, small doses of calomel, cascara, salol, etc., are usually sufficient. It is many times wise to promote a bowel movement at bed time, thus favoring sleep. While I am well aware that each case must be individualized, yet, I am confident that hyper-alimentation, judiciously carried out, is productive of the very best results.

For some time I have kept weight charts of my cases, the patient being weighed once a week at the same hour, preferably about eleven A. M. Two horizontal lines are shown on each chart, the lower one of which represents the insurance average for the particular height and age, and the upper line (on male charts), shows the United States Army ideal. These charts serve several purposes. First of all, they form an accurate and graphic record of the case from week to week, showing the causes, if one wishes to record them, for a failure to gain during any particular week. More important, however, is the incentive for weight gaining that such a chart has upon the patient. They watch with great interest the heightening of the weight line, and a failure to gain invariably stimulates them to renewed effort.

Finally, I would like to emphasize the importance of a watchful supervision over young men and young women between the ages of fifteen and twenty-five years. More attention should be given to the perfection of their health. Those who are frail or considerably under weight should be taken out of school, the physicians should insist on their taking lung gymnastics, leading an out-of-door life, and taking a large amount of nourishment. There is a great need of more out-of-door schools, such as the Thatcher Preparatory School for Boys at Nordoff, California, and the recent-

ly built and splendidly equipped Asheville School at Asheville, North Carolina. In neither of these schools, however, is out-of-door instruction observed to anywhere near the degree that would be possible, though they are an improvement over the older schools. More modern institutions of learning of this sort should be constructed alike for both sexes.

Broadly speaking: The disappearance of tuberculosis from the world must always depend upon two distinct, yet related, lines of action, viz: the destruction of the tubercle bacillus, on the one side; on the other, the physical perfection of the race.

THE HIGHLANDS OF JAMAICA AS A RESORT FOR CONSUMPTIVES.

BY BENJAMIN LEE, A. M., M. D., PH. D., OF PHILADELPHIA,

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The Island of Jamaica, although tropical in geographical position, is, owing to its immense coast line, and its lofty wooded mountain ranges, tropical in climate only so far as equability of temperature is concerned. As regards temperature, the climate might be pronounced sub-tropical, or, at certain altitudes, temperate even.

The breezes from the sea by day and from the mountains by night are invariable and invigorating. Any altitude that may be considered desirable, from 1,000 to 7,000 feet, may be obtained. The atmosphere is remarkable for its dryness, owing to very thorough natural drainage by mountain streams. The Indian name of the Island, Xaymaca, signifies "Land of Streams." Sudden and extreme changes of temperature such as visit the United States throughout its length and breadth, are entirely unknown in this happy clime.

The Parish of St. Ann, on the north slope of the mountains toward the western end of the island, possessing a total area of 476 square miles, contains 377 square miles situated at altitudes varying from 1,000 to 2,000 feet above the sea level. This region has been styled the "Garden of Jamaica." It was this which the great discoverer first saw as he approached the island, and which so filled his mind with delight and admiration. The principal town of the Parish is Brown's Town, beautifully situated about 1,300 feet above the sea.

Abstract of a paper read before the American Congress on Tuberculosis, New York, June 2-4, 1902.

The parish of Manchester exceeds all others in average available altitudes, having out of 302 square miles, 134 at between 1,000 and 2,000 feet, and 126 between 2,000 and 3,000 feet above the level of the sea. Mandeville, its most important town, is placed upon the summit of a mountain 2,200 feet high, and is noted at once for its picturesqueness and its cleanliness. It has, therefore, already become a favorite resort for health seekers from the United States, Canada and Great Britain. A considerable railway system, a reliable mail coach service, and generally good roads make communication between the different parts of the island comparatively easy. The mortality of the island, 21.6 per 1,000 living, is greatly increased by the fact that of the population of 755,530, only 2 per cent. are white, the remaining 98 per cent. being negroes, mulattoes, half-breeds and Malays, the most of whom live in utter disregard of sanitary precautions, and by the frightful prevalence of illegitimacy which leads to an excessively high death among infants in the first year of life. The same facts explain the presence of more phthisis than we should naturally expect to find. The susceptibility of mixed races to this affection is well known. This is found principally in the large towns at the sea level. Kingston, with a population of 52,475, reports 154 deaths from phthisis, or 29.34 to 10,000 living, while St. Ann, with a much larger population, reports only 54 deaths or 8.04 to 10,000 living. This will undoubtedly be greatly diminished by the adoption by the health authorities of the island of proper regulations to control the spread of the disease.

CRIMINOLOGY.

ANARCHISM AND ATAVISM.

BY PAUL TYNER, ESQ., OF NEW YORK CITY.

Are we justified in regarding anarchism as a disease? It is the fashion to use this term as a mere epithet to cast obloquy on an unpopular idea. Misunderstood and unwelcome pleas and protests are easily discredited by classing them with dreaded and detested abnormality. While such application of the term "disease," is a misuse—often a dishonest misuse—of language, I believe it can be shown that the term applies with honesty and exactness to anarchism. The word describes what is plainly a pathological condition of the individual, as much so as paresis, cancer or any other disease; a disease of the brain which, if unchecked, will always develop into the stage of homicidal mania, as in the case of the wretched Czolgoz.

When Julian West, in Bellamy's "Looking Backward," finds that jails have disappeared from the civilization of a hundred years hence, he asks what is done with the "criminals," and is informed that one manifesting what we now call "criminal" tendencies is promptly put under skilled treatment for "atavism." Later thought and investigation in criminology is all in this very direction. The work of Lombroso and other specialists in the scientific study of crime and the criminal, has familiarized us with the conception of atavism in this connection. In popular meaning, it is understood to indicate a reversion to primitive traits; a going back to the savage or the beast through a mental and moral degeneracy, inevitably indicated anatomically in deformed and distorted brain structure, resulting in abnormal functioning. Among experts in anthropology, especially

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among those who have given most thought, study and observation to criminal psychology, the conviction is growing that atavism accurately describes the pathological process manifested in criminal instincts and tendencies of every order and degree. It is madness always, and madness is none the less a disease when "there's method in it." In fact the cunning of the madman is often remarkably complex, acute and baffling. As to the responsibility of the degenerate, so eminent an authority as Dr. Maudsley shows us that the question is large and difficult. Experts find it by no means easy to decide where responsibility in mental disorder properly ends* Nor is this phase of the matter important in our present inquiry. Whether or not we hold the madman to accountability after his act, there can be no doubt of the State's responsibility before the commission of a wrong which an individual's mental condition makes possible and probable. Recent investigation in pathological physiology, and in biology, confirm the conclusions of the anthropologist. Atavism, as we extend our study of human abnormality by comparison with lower forms of life, seems destined to explain physical as well as mental and moral degeneracy. It is a process discerned in any and all diseases, so far as we can at present determine. Every disorder and derangement of faculty and function, every degeneration, destruction and decay of the organs and tissues, indicates simply a reversion to primitive forms and conditions. Atavism, as a process, completes itself in the death and disintegration of the organism. This is often illustrated in individual cases. Friederich Nietsche, a philosophical anarchist, whose brilliant intellect placed him in the front rank of European scholars, and whose writings still command world wide attention, died last year in a mad house, while still in the prime of life. Richard Strauss is another notable illustration.

While anarchism is, in its very nature, the negation of life and growth, and, therefore, katabolic in its activities, manifesting its presence in nihilistic and destructive purpose and effort, it varies greatly in the expression of this tendency. Obviously the course of this disease, like that of every other, is affected in very important particulars by the constitution and temperament of the patient, his inheritance and his en-

*See "Responsibility in Mental Disease," by Henry Maudsley, M. D., Chapter IV.

vironment. Like phthisis, it may be speedy or long-drawn-out in its development. It may be mild or virulent, sporadic or epidemic. Under some conditions it is contagious, and under others infectious.

Anarchism is correctly considered a disease because it obviously, unquestionably and pre-eminently furnishes us with the atavistic symptoms characteristic of disease, and these in a pronounced and dangerous degree. Its demand is for the abolition of all authority, for the disorganization of humanity, the destruction of society. Its protest is not against the form of the state simply, but against the state itself. It is not opposed to bad laws merely, but to all laws. Dooming the entire structure of our civilization to annihilation for its defects, it offers nothing in its place—nothing but a return to that chaos out of which order is called and from which man has emerged by slow and toilsome effort, by ever mounting aspiration and achievement. Anarchism would, in fine, reverse the patient, purposeful and persevering onward movement of the race through ages upon ages.

All progress, all healthy growth, in humanity is based upon development and recognition of the social consciousness. Consciousness of kind is the fundamental sociological element. Its absence from the individual make-up, in our present stage of human evolution,is an abnormality, a diseased state of mind. What has been achieved in the wonderful nineteenth century, and the still greater things we are going forward to in this twentieth century, we owe, and shall owe, most distinctly to the splendid stirrings of that social sense that joins man to man the world over—unites men, gathers them into families, organizes them into cities and states and, lifting them out of the narrowness and isolation of the separated individual life, endows and imbues them with the larger, livelier, grander spirit of the social organism. Day by day this splendid drawing together of men into conscious oneness, into recognition and expression of the truth that "we are all members of one body and one of the other," is becoming more intensive as well as extensive. This oneness is finding more and more perfect expression in the character of modern altruistic aspiration and endeavor. Public service grows more inclusive and effective as it finds its place in the organized self-conscious activity of the state.

All normal, healthy growth in the individual and in society is the product of harmonious association. Already any distinctively human life is impossible except in such association. The more harmonious, complete and inclusive our associative life becomes, the more perfectly human is that life. As the social spirit finds fuller expression in more and more perfectly organized living, men will understand and obey the "new commandment" in which Christ summed up all religion and philosophy, all science and art, the law and the prophets—aye, the law written in the heart of man and inherent in the very nature of man's world—that we "love one another." This more perfect understanding and obedience is exemplified in the modern state—especially in the democratic conception of the state—in ever increasing degree. By slow but sure steps in social evolution, we are approaching that development of the state in which recognition of common rights, interests, needs and aspirations will leave none unprovided for or neglected; when no man shall seek to live to himself alone, or be willing to enjoy wealth or other advantages unshared by the least of his brothers.

This being the natural, healthy trend, it follows that the forces resisting this fuller evolution of human association in the organized state, are but diseased symptoms, indications of abnormality, atavism.

Anarchism is atavism, and anarchism is by no means confined to the avowed disciples of that cult,—the followers of Krapotkin and Nietsche, of Louise Michel and Emma Goldman. There are many among the very people loudest in denunciation of anarchists who are themselves really anarchistic in thought and motive. Wherever the law of love is denied, surely, the anarchic idea is evident. Lust, whether it be the lust for money, for power, for place, or for selfish sensual indulgence, is distinctly anarchical. The very evils in our present social order that incur for it the condemnation of the anarchist are either anarchistic survivals or anarchistic reversions; drags or obstacles that hinder, but cannot prevent, the evolution of the civic sense, an evolution which is our only hope for a more perfectly developed state. War is anarchistic, not socialistic. "Whence come these wars and fightings, save from the lusts that war in your members?" Sacerdotalism is largely anarchistic, a rapidly

passing survival of the headship of the medicine man, or priest-warrior. Political bossism is a particularly dangerous, destructive and obnoxious recrudescence of anarchism. The world revolts in horror at the act of the madman who murdered the President. The anarchy that places the control of many of our cities in the hands of embodied viciousness, presents the most serious problem in our American system of government, a danger we are, it is hoped, at last beginning to realize.

Significant of the prevalence of anarchistic feeling in unexpected places, was the fervent declaration of the senior United States Senator from New York, that the President's assassin "should be hanged at once, without judge or jury." Several prominent preachers gave similar expression to their feelings. Are not such sentiments the very essence of anarchism?

I have spoken of anarchism as a contagious disease. Mob law is an example of this contagiousness. Before the sound of the assassin's shot had died away, he was set upon by a frenzied crowd, pummelled, kicked, thrown down and jumped upon. Women joined in the cry, "Get a rope!" and were in the rush bent on lynching the self-appointed "Executioner of the State." The anarchism that shoots down a ruler, differs only in degree from the anarchism that lynches a murderer or a ravisher, or one suspected of some such crime. Law—the law of the land, and the law of God, written in man's inner being—is defied and denied quite as certainly in one instance as in the other. During the last two administrations, lynching in the South had increased in frequency and ferocity so as to horrify the civilized world. Three thousand lynchings in twenty years is the awful record. Only a few days before the President was shot, a negro was burned alive by a mob in Tennessee, one of many such atrocities in the past three months. And during all these years representatives of the race singled out as victims of this atavistic vengeance, have again and again vainly petitioned Congress, the President and both the great political parties to use their influence and their power to discountenance lynching.

Plainly, anarchism is a wide-spread disease of the most dangerous description—a mania murderous from start to

finish. It is not confined to any single class or party, school or cult. There are anarchists of wealth and anarchists of poverty. The learned are not less free from this disorder, than the uncultured. Monarchism, imperialism, republicanism, democracy, socialism, are often but the deceptive masks of anarchism in its most cankerous and deadly form. The use of money to bribe legislatures and city councils, or to debauch the judiciary in the interest of great corporations, is essentially as anarchistic as is the crime of the madman who shoots down a ruler. The anarchism flaunting wealth's wantonness in a two-hundred-thousand dollar "entertainment" at the Waldorf, while babes perish for lack of food almost within a stone's throw, is not less deadly than that which plots murder in a beer saloon. Every thief is an anarchist—the thief who burglarizes the ballot-box or corrupts a legislature to "carry an election" for his party, or to seize a seat in the Senate, not less than the pick-pocket or the safe-breaker. All appeals to class-conscious hatred, setting men against each other in strife and ill will, are anarchistic—whether the appeal is made by demagogues or plutogogues.

Anarchism is a disease. Happily it is not an incurable one. If, like other diseases, it is only aggravated by wrong treatment, it will also be found to respond readily to right treatment. "Hatred is not overcome by hatred, but by love," Buddha tells us; and Jesus directs us to "Return good for evil." The single truth expressed in these similar sayings suggests the only sound method in therapeutics; the rational treatment of disease, in the individual organism, or in the body politic. The homeopathic maxim, *similia similibus curantur*, or "like cures like," is a fallacy, if taken to mean that evil is cured by adding evil to it. It is true only in the sense that need is cured by supply, lack of light by more light, lack of love by more love, lack of life by more life. As Burke said, "The remedy for abuse of liberty is more liberty."

"'Tis life of which our nerves are scant,
'Tis life and more life that we want."

All evil, in the ultimate analysis, is simply lack of good. A right understanding of anarchism makes obvious the remedy for this particular disease. Anarchism implies a deficient development of the social consciousness, of the funda-

mental sense of unity with one's kind. The social consciousness can never be entirely absent from the nature of any human soul, but it may be retarded or distorted in its growth. The germ of the grand human flower is always there. Wherever it does not plainly appear above the surface, demand is made for better culture and more favorable conditions. The flower is the seed, plus soil, air, sunshine and moisture—the seed expanded in growth through nutrition and exercise. The ugliness of anarchy, as of all disease, is a minus quantity. Anarchism is the opposite of socialism, as destruction is the opposite of construction. In the anarchist, not as an anarchist but as a human being, (and I include all who are more or less dominated by anarchistic instincts or ideas), the social consciousness in only dwarfed or dormant. The social instinct, in the last analysis, is the hunger for love. In the anarchist it is abnormally lacking, or present in the abnormal development that means starvation. A starving man's necessity knows no law. The only way to cure a man's hunger is to feed him. And if we want to prevent a recurrence of this ferocious development of appetite, we shall seek to establish, so far as we are able, permanent conditions that will ensure its satisfaction with fullness and regularity. "Blessed are they that hunger and thirst after righteousness, for they shall be filled." The world is hungry for love; it is this heart hunger which makes the human tragedy; the ache and pain and longing for harmony, for more perfect unison with one's kind; for the closer community of feeling and interest, and the sympathetic understanding and sharing of joy and grief, hope and struggle, aspiration and achievement that belong to comradeship. Without this hunger there would be no progress, for this same hunger is blessed promise and prophecy of its satisfaction. That its better satisfaction is impossible, save in the actual and inclusive oneness of the ideal state, to which we are, in our time, going forward with constantly accelerating speed, is becoming more and more plain to more and more people with each day that passes. The emptiness of even the most favored lives to which comradeship is denied bears emphatic witness that this satisfaction is impossible to isolated individualism. All the older and feebler forms of comradeship are often put to the test—weighed and found wanting in

our larger day. Not that the love of the family, the love of friends, the love of the sexes, are not all good and sweet and beautiful in themselves; but that something is found lacking to their completeness. That something, surely, is the more distinct identification of every member of the community with the political unit in which the community takes form. When we have grown into the recognition of the social organism as a concrete reality, and into the realization of the civic spirit as a living entity, every man can say, in a grander sense than Louis XIV. dreamed, "I am the State!" When each citizen is animated by a lively and joyful sense that he is in his city and his city in him, the neighbor will be loved as the self. This broad, enduring, vital and intimate civic comradeship will uplift, steady, sweeten and vitalize all other loves and relationships of love. All that is good will be conserved and prove fruitful of increasing good.

Recognizing the avowed anarchist as a victim of atavism in a dangerously advanced state, the prompt application of sensible treatment is the plain duty of the people. With no more constraint than is necessary for his own protection and that of the public, he should be quarantined, precisely as we now quarantine other patients suffering from contagious diseases or mental maladies. But in his case the quarantine should be such as would bring him into contact in right relation with influences and surroundings favorable to the revival and development of the civic sense. Instead of cutting him off from his kind, or attempting to "suppress" the disease by hanging, imprisonment or deportation, the victim should be placed amidst surroundings calculated to develop the social instinct. Life in an ideal city would be a radical cure for anarchism. But while waiting for the development of our ideal city, we might utilize the obvious advantages, in this respect, of existing communities in which the social spirit still rules and anarchism in any of its forms is as yet undeveloped. There are hundreds of villages and small towns in the United States, and particularly in New England, in which this condition obtains. Graft your anarchist on the life of such a village—by employment in a trade or handicraft, or by giving him a small business of his own or an interest in a larger business. Befriended by a circle of

men and women of genuinely human character, he would be encouraged to identify himself with the community interests and welfare, its industries, schools, library and village administration. Can one imagine a better antidote for anarchy than the democratic spirit of a New England rural community, a better education in genuine democracy than the New England town meeting?

Nor will the scheme be found lacking in feasibility. The state is not now prepared directly to plant anarchists in villages and secure to them human environment. It has power, however, to recognize the scientific classification of anarchism as a murderous mania, and to commit such offenders to a reformatory or asylum conducted somewhat on the lines of the Elmira Reformatory, and placing such unfortunates under wholesome training for physical and mental development—perhaps teaching and employing them in useful trades. Such periods of restraint could be made subject to the prisoner's recovery from the disease, to be evidenced by his voluntary renunciation of anarchism. In lieu of such confinement, his settlement in a rural community until recovery might be accepted. His declaration of allegiance to the State, alone should entitle him to passports beyond his village. He should not be allowed to visit any large city before his cure is complete. Co-operating with the State, a philanthropic society might be organized whose business it would be to place in a village home, any anarchist remanded to their care by the committing magistrate, becoming responsible for his reception by friends in his new home, and furnishing him with such reading, teaching and other kindly influences as would be likely to bring about mental and moral equilibrium. Excellent precedent for such procedure will be found in the beneficent work accomplished by the children's aid societies in several of our States. In New York the Society for the Prevention of Cruelty to Children is given legal custody and control of children found neglected or abused, and the society exercises its good offices in protecting and caring for such children. In Ohio, the Children's Home Society sees to the placing in homes throughout the State, of children abandoned by their parents, orphaned, or committed to their care by the local magistrates. In Pennsylvania, similar provision is made by direct agency of

the State, and in both instances thousands of embryo anarchists have been developed into sturdy, self-reliant, industrious citizens, sane in mind and body. In Indiana, (and possibly in several other States), there has been in existence for several years a society charged with the duty of looking after children and youth accused of crime for the first time. A representative of this society is present in court whenever such "juvenile offenders" are arraigned, and on his request, sentence is suspended, special attention being directed thereafter to bringing the youngster that had "gone wrong," under wholesome influences, and furnishing him friendly direction, encouragement and aid in following the better way. In San Francisco, as testified to by the Chief of Police, juvenile crimes and offences were reduced more than seventy per cent. in seven years through the activity of the Kindergarten Association in taking children off the streets and giving them human training. Another markedly successful experiment, full of suggestion in this connection, is the treatment of the insane at the village of Gheel in Belgium. Instead of being herded in institutions or walled up in private asylums, insane patients, when taken to this delightful village, are placed separately in the homes of the villagers, share the family life, have the freedom of the village and of the neighboring fields and groves. In very many instances they recover complete sanity under these natural and human influences. Gheel was fully described in a very interesting article by Mr. Hezekiah Butterworth in Harper's Magazine a few years ago. One cannot read his account of the actual workings of this village treatment without the conviction that in it humanity and medical skill unite to demonstrate the possibility of successful treatment of all mental maladies.

The precedents cited all have reference to the treatment of children and insane people. It is believed that anarchism is an insane mania. Not all insanity involves irresponsibility or calls for restraint. Interference with individual liberty is only justified by danger to the public. This danger point is reached when one openly proclaims himself an anarchist, participates in the meetings of anarchistic groups, or is an active agent in the propaganda of anarchistic teaching by voice or pen. At this stage of the disease, state action is not only justified but imperative. "An ounce of prevention

tion is worth a pound of cure." Liberty of speech and liberty of individual action find their limits in any misuse of individual liberty that menaces the life and liberty of others. Anarchism allowed to continue from this point unchecked, inevitably leads to murder. Its propaganda is the menace preceding attack that, disregarded, endangers human life. The primal purpose of the state is the defence and protection of the citizen.

I do not regard the State as menaced or endangered by anarchistic teaching: the State is invulnerable. Rulers or officials may be killed in Russia or America, but the government still lives. Not in self-protection, therefore, is the State called on to deal with anarchy, but in the orderly discharge of its duty to its citizens.

I am well aware that there are among professed anarchists amiable and talented men, like Prince Krapotkin and Benjamin R. Tucker, to whom assassination is personally as revolting and horrible as it is to any right-minded man; but to the average disciple of the cult, anarchism, not only involves and justifies murder, but glorifies the act.

Among the remedies now widely discussed in the press are more stringent immigration laws, excluding anarchists, and further legislation making a murderous assault on the Executive a capital offence. As to restricting immigration, I need only stop here to remind my readers that President McKinley's assassin was born on American soil and educated in American public schools. Present conditions in the New York, Boston, Chicago and Philadelphia slums, and in the coal mines of Pennsylvania, Ohio and West Virginia, are as favorable to the development of anarchism as are any old world conditions. As to repression, if one murder is wrong it is not easy to see how another murder makes that wrong right. Have we not abundant evidence that the blood of the Chicago anarchistic "martyrs" has proven the prolific seed of anarchism!

If it be objected that the remedy proposed is expensive, the answer is that it would cost the nation less than one presidential assassination, even if it required a hundred millions of money and a hundred years of work. As a matter of fact, the expense involved is small; the reformatory could be made self-sustaining, and in course of time those cured of

anarchism, and graduated from the villages would willingly take over and continue the work. The inauguration of such a movement should prove a grateful task to all anti-anarchists, whether avowed socialists or only "socialistically inclined."

One possible objection remains to be considered. My plan may seem too kind, too humane. In the present temper of the American people it will probably be demanded that measures preventive or remedial shall be stern, severe, vindictive. But that temper will pass with the perception that evolution is better than revolution, humanity better than savagery, order better than anarchism. For, despite much blindness and ignorance, we are slowly and surely learning to agree with Walt Whitman that:

"Affection shall solve every one of the problems of Freedom;

"Those who love each other shall be invincible."

MEDICAL JURISPRUDENCE OF INSANITY.

THE REPEAL OF THE RECENT LUNACY LEGISLATION IN NEW YORK.

BY CLARK BELL, ESQ., LL. D.,
President Medico-Legal Society of New York.

The Empire State has been, since the era of intelligent lunacy administration and care, inaugurated by the Earl of Shaftesbury in England, about the middle of the last century, in the vanguard, in efforts to place the dependent insane of the State under the most favorable conditions that exist anywhere among civilized countries.

Before, and at the time when the unfortunate changes were inaugurated by Governor Odell, the institutions for the insane of this State, were inferior to none that existed anywhere in the civilized world. They were both the pride and the glory of the State.

It is beyond doubt or question that at the time the changes were made, the condition of the insane was at the very maximum of excellence, especially in the State hospitals at Binghampton, at Middletown and at Ovid, with which I was personally familiar, by visitation and careful inspection, and in contrast with the best hospitals for the insane in England, in Belgium and in France, of which I have been a careful and critical observer and visitor.

The system, which had been a growth and in many respects an evolution, had been one, under which these splendid results had been obtained, where the control of the internal management and care of the inmates had been in charge of boards of managers, selected from men and women of high character, who worked without compensation, from purely philanthropic motives, who appointed and removed superin-

tendents and other officials, whom they held to a rigid and strict responsibility for every detail of the management.

The personnel of these boards in all the institutions of the State were of the highest excellence, and I do not hesitate to say what every student of the subject in the State knows, left nothing to be desired, and the laws were so framed that it was easy to remedy any defects, had any existed, and I do not think one exception existed in the State. For more than twenty years I have made the subject of the care, treatment, and the welfare of the insane an especial study, on both sides the Atlantic, and if qualified to speak on any subject whatever, I feel especially so as to this one.

There was one serious vice in the system, for which Governor Odell was not at all responsible, which was that vicious legislation that had given to the State Lunacy Commission other than advisory powers. It is this one evil, that to my mind, lies at the very root of the misfortune, that the recent legislation entails upon the State of New York.

No lunacy commission in England, in France, or any of the great continental systems, give judicial or other than advisory powers to their Lunacy Commissions.

The Earl of Shaftesbury, who for so long headed the Lunacy Commission in England, would never favor nor consent that the commission should exercise other than advisory powers over the local boards of managers of any institution.

Prof. Ordronoux, in his masterly reply to my request, alludes to this with great force and power.

No American State, within my knowledge, has followed the vicious example set by our law on this subject, which was adopted without debate or conference, largely at the instance of one individual who sought to obtain a personal advantage and power over all the asylum superintendents of the State, and the law was so framed as to leave only a very few men, and less than could be counted on the fingers of one hand, eligible to the position of the chairmanship of the Lunacy Commission in the State.

This law at its inception was most disastrous in its immediate effects and results.

It was almost worse than the present legislation.

It threw every hospital in the State instantly into confusion in its management.

It undertook the absolute control of the financial management of every institution away from the hands of the superintendents, who acted for the local boards, and transferred it to the State Lunacy Commission, who was entirely incompetent to take such a charge and conduct it properly.

While at that time the chairmanship was in the hands of a physician, who had a large experience as a superintendent of an asylum, and who understood the management of one asylum, his associates on the board were wholly without any asylum experience.

In one year this bad system threw the whole ordinary administration of the State hospitals for the insane into a state of chaos, and this ex-superintendent was obliged to withdraw, upon an almost universal demand for his retirement.

It was the fault of the system rather than of this officer, however, that resulted so disastrously.

The Governor, who was confronted with this condition, had not studied the subject, as was the case of Governor Odell, when he came into the chair.

He should have recommended the repeal of the provision of the law giving other than advisory powers to the State Lunacy Commission. Every superintendent in every institution in the State was in outspoken hostility to the then late chairman of the State Lunacy Commission, and in many cases in almost open conflict with him.

It was a great calamity that the lunacy commission was not then re-constructed with advisory powers only, and one from which we are likely to suffer deeply,—as have we now done.

Dr. P. M. Wise was appointed chairman of the Lunacy Commission. He was by far the ablest superintendent of an insane hospital in the State. He stood then as the acknowledged leader of American superintendents.

He was besides, one of the ablest administrative officers among the better class of superintendents, and he made one of the best and most excellent officials the State ever had.

Every dissension was healed by his wise and masterful management.

Every superintendent in the State was his warm supporter and friend, and the exercise of the duties of the Commission were administered in a way that was more advisory than ar-

bitrary, but the vicious law giving other than advisory powers to the State Board, unfortunately still remained on the statute books.

Governor Roosevelt, as he was leaving the office, and near the close of his term, removed arbitrarily Dr. Wise from the office, without the formality of a trial, acting under bad advice, and this left the State without any head to its Lunacy Board.

Governor Odell was confronted by this singular and unfortunate condition.

The law as then framed, prevented the Governor from making any appointment to the office, because there were not in the State, suitable names for the position, eligible under the law, and he was obliged to have the law amended to enable him to make any appointment, unless he took superintendents from State hospitals.

The ablest chairman of a lunacy commission that ever lived, or served, was the Earl of Shaftesbury. He was not a physician, even much less one with asylum experience, but for more than thirty years he was the chairman of the Lunacy Commission in England and created the reforms there from which we profit.

In a properly constituted board with advisory powers, it would be wiser to select some one other than a physician. The chairman of the State Board of Charities should not be a physician, and has not been for years.

The chairman of a State lunacy board with advisory powers, as it should be made, would be far more effective and productive of better results, led by such a man as Wm. P. Letchworth, the ex-Chairman of the State Board of Charities, than by any physician in the State.

Governor Odell could not possibly have studied the subject at this juncture, sufficiently to have enabled him to grasp the issues underlying the question.

It would have been quite impossible for the associates of Dr. Wise on the board, as it was then constituted, to conduct the work of that body.

Governor Odell acted without doubt in this juncture, with the best intentions, with the light he had.

His errors were when the act had to come up for change and amended, that

1. He did not reconstruct the board with advisory powers only, or

2. Remove the restrictions as to eligibility altogether.

I know he was so advised, but it is not such a question as a governor can master in a month, and he named Dr. Frederick Peterson, who would not have been eligible, as the law before stood, for want of asylum experience, and who was so situated, as it was generally understood that he could not give his whole attention to the duties of the office. With the law as it then stood, and with the law as it now stands, it is a perfectly safe assumption that this office demands all the time of the most able and conscientious man in the world, and it is well known that his predecessor, Dr. P. M. Wise, devoted not only all his time, but late nights and Sundays to the ardous duties of that office, and confessed himself unable, with this great amount of time, and with his recognized distinguished administrative ability, to do its legitimate work.

One vice in the legislation should be noted, which seems to have escaped the observation of the Governor at the time.

The State Board of Charities are now not under obligations to visit the insane institutions.

That duty is put upon the Lunacy Commission.

The simple statement is enough to show how the insane must be injured by such an arrangement, and deprived of suitable and efficient visitation.

If the State Lunacy Commission, with its present enormous duties, and its president crippled as to time, does half its legitimate work, what can we say of the efficacy or value of such a visitation and careful inspection as that board could give if it exerted itself to the utmost. When contrasted with the thorough and sympathetic visitations and inspection of the local boards, who have been unceremoniously ousted out by the legislation of the Governor, without that public recognition and well-deserved praise their action had entitled them to receive; what is to be the result of this loss to the insane wards of the State?

At the commencement of his second years' service, I know of no Governor that ever sat in the executive chair of this State, who had achieved such a splendid success, or popular recognition, as had Governor Odell. He then had the confidence, the affection and regard, and the applause of men of

all parties, and I have known the Governors of the State personally for the past thirty years, more than any Governor the State has had in three decades.

If there was a man who might be called a popular idol, he was that one,and it is a painful duty to call attention to his action in respect to the institutions for the insane, as well as to the blows he has dealt other charitable institutions, which are so fraught with tremendous consequences to the insane, and to the best interests of the people of the State. I wish to limit what I have to say rather to the insane than to any other interest which this legislation injuriously affects; the insane of whom the Earl of Shaftesbury says, "That they are the most dependent, the most helpless of all the world's unfortunates, because they cannot speak for themselves."

It is a sad comment upon both our civilization and our humanity, that when the asylum door closes on our insane friends or relatives, we are too apt to dismiss them from our thoughts, our hopes, or our aspirations, and to so steel our conscience to the helplessness of their fate or future, as to shortly forget not only them, but even to visit them.

The experience of our best judges are as one, that our system of visitation by the local boards, organized as we had organized them, the growth of half a century, was as nearly perfect as man could make it.

In the history of the State, in no instance that I can recall in a quarter of a century's study of the condition of the insane, not only of New York, but of other States, and in foreign lands do I recall one instance in this State, where partisan political considerations ever entered into the selection of a local board of managers, or the selection of a superintendent or physician in an insane hospital in the Empire State.

I can not in the time limited to me here in opening this discussion, go into detail, as others must follow me, but I must disclaim that any idea of partisan political consideration does influence my action or should yours.

I have purposely waited until after election, with its excitements, had passed, before opening a discussion of the very vital questions underlying the problems that make the repeal of this legislation absolutely essential and necessary, not only for the welfare of the insane themselves, but for the welfare of the people of the whole State.

This legislation has struck at the very foundation stones of our whole lunacy system. The Governor has by his action disastrously destroyed the power of the local boards to manage the affairs of our State hospitals for the insane not alone, but to transfer this to State officials, selected by the Governors of the State, and to make every superintendent of the State, and every official, and every employee in any institution dependent upon officials at Albany, where the selections will be made from partisan and political considerations.

He has stricken down at one fell blow, this grand structure, the creation of the noblest and most philanthropic of our citizens, the work of half a century of high and noble endeavor, and transferred it to the domain and the mire of partisan politics.

He has created a reign of terror in every institution of the State, not for to-day, but for all time, and the sword of decapitation hangs by a hair over the heads of the noblest band of medical superintendents living anywhere in Christendom.

Is it not monstrous that these splendidly equipped alienists, who have devoted their lives to this grand work, are now to set with sealed lips, awaiting their transfer or suspension at the whim or caprice of a public official, who is not worthy to unloose the shoes of any one of them.

The splendid Talcott, who built as a monument to his useful life, that splendid memorial pile to his memory, the State Hospital at Middletown.

He is beyond the reach of this monstrous law, for he has gone to his long rest.

Dr. Blumer, who served at Utica so long, is out of the reach of this political knife, as he is at the head of the hospital in Rhode Island.

Prof Ordronaux, in the evening of his life, is out of reach of the cimitar of the Governor, and Dr. P. M. Wise is not afraid to open his lips, because he is beyond the reach of the Governor's chastisement.

I do not ask the superintendents of our magnificent asylums to speak on this subject, because the central authority has issued an edict of silence, and a voice of remonstrance would be fatal.

Think of a Governor of a great State setting in judgment on a diet list, that is the result of the study of the ablest

minds of those most competent to make it, and the result of years of careful thought, experimental trials, expense and observation of more than twenty years in our own State, other States and foreign lands, thus established with a view of paring down to the last point consistent with human existence, for these unfortunate wards of the State, so that the small sums thus saved that could be added to a list of saving in previous expenditures, from what the insane actually consumed as food.

Consider a Governor who deliberately plans these reductions from a false idea of economy, and offering the farmers of the State the bribe of reducing their annual taxes, by introducing a system which starves the insane, under the pretence of economy, and providing an unequal, indirect system that increases the taxes of the City of New York for the benefit of the up-country districts of the State—adding fuel to a fire, sectional in character, the end of which no man can foresee or foretell.

A wiser study of economy would be to study the plan of the Belgian Government, who, when I was last there, had completed a contract in many of the large institutions with the United Brothers of Charity, by which that body of humane and christian men, took upon themselves the entire cost and charge of the insane, defraying every expense of every kind, except medical attendance, for a trifle under one franc per capita per diem.

Would it not be the irony of destiny if this mania should increase and dominate the Governor and his career, and he be so unfortunate as to become himself, or some of those near to him, an inmate of some of our State institutions, and take this treatment he has so carefully prepared for the wards of the State. He cannot escape the responsibility of the final meeting before the Supreme Bar, the shades of these unfortunates, and it will hardly be a consolation, much less a plea in mitigation to him in that hour, that he has added a few thousand dollars to the general coffers of the State by this paring down a diet list consistent with the last gasp, for life of the insane.

He is a man of good intentions, and of what he regards high endeavor. His want of knowledge of the subject and bad advisers, lie undoubtedly at the bottom of this sad work.

Will he consent to mend the wrony and injury he has done, and devote his magnificent talents and energy to a careful study of the whole subject, and place our insane hospitals where they shall command the admiration of all thoughtful minds?

A single word as to the lessons of the recent election.

It is not an exaggeration in the opinion of those most competent to know and to judge, that not less than 50,000 Republicans in Greater New York rebuked this action of the Governor at the polls. While the majority of his opponent in Greater New York was phenomenal and immense, it is well known that a very large number of Democrats, who would not support their ticket because of the unfortunate and ill-timed prominence of ex-Governor Hill in the contest, enough Republicans had to vote for Mr. Coler, not only to over-balance these discontented Democrats, but to secure this extraordinary majority against Governor Odell in Greater New York, and it is likely that more than 60,000 Republicans in the metropolis of the Western world, voted against him, for reasons wholly connected with this unfortunate and vicious legislation.

Outside of Greater New York, in every other county of the State, factional controversies existed between the Cleveland and Hill Democrats.

This dissension threw a large Democratic vote against the Democratic nominee of that party, who refused to support a ticket with which the name of ex-Governor Hill had been in any way identified.

I shall mention two counties only as illustrations—Albany and Yates—where my summer home is.

Albany is a Democratic county, but the Anti-Hill Democracy voted almost solidly against the Democratic ticket in that county, so as to overcome not only at least 1,200 Republican voters who cut Governor Odell, but to actually give him a majority of 2,800.

In Yates, where the normal Republican majority is 1,000, and where a large Republican vote was cast against Governor Odell, the anti-Hill Democracy cast its votes solid for the Republican ticket, and enough to balance this Republican

defection against Governor Odell in Yates, not only, but to add 400 votes to it, making his majority in Yates 1,400 and over.

Indeed, I may say that it is well understood by the Republican leaders in the state that the salvation of the Republican party from the annihilation of its whole State ticket at the election, is due to three eminent Democratic leaders,who were so opposed to the success of a movement that was popularly (although beyond a question wrongfully) attributed to the efforts of Governor Hill, that they personally opposed the Democratic ticket at the polls in the Counties of Albany, Rensaller and Clinton, with the result that enough anti-Hill Democrats in those counties alone, through their instrumentality voted the Republican ticket not only to overcome the strong personal defection against Governor Odell's re-election, but to carry the Republican ticket by more majorities in these three counties than he received in the whole State.

Judge D. Cady Herrick, in Albany; ex-Senator Murphy, of Troy; and Hon. Smith M. Weed, of Clinton, are responsible for the success of the Republican State ticket by the slender majority it secured, and for saving the scalp of Governor Odell frou the wrath and discontent of his own party for his mistakes.

These gentlemen may feel that they were justified in averting what seemed to be a great disaster to their own party,than a success that could be in any sense regarded as a triumph for the political faction which Governor Hill had assumed to lead.

It is a singular feature of our American politics that incidents and features outside the issues of the election itself, mould its actual results; but the lessons of the conflict are so tremendous, that no one can forget or deny that had such a man as Chief Justice Parker been nominated, and the personality of Mr. Hill eliminated, the Democratic majority would have been over 100,000 in the State, but the castigation bestowed on the Republican candidate for Governor, and the crushing remonstrance to the re-appearance of Governor Hill, will remain in men's memories long after the smoke of the battle of this election has disappeared.

Of the whole State, outside Greater New York, it may be said that the anti-Hill Democratic vote, by general understanding, was cast against the Democratic ticket as a political

lesson, to chastise the Democracy for allowing ex-Governor Hill to seem to have any voice in the councils of the Democracy of the State.

The result in the City of New York has been charged by those not well informed as to causes, against Mayor Low's administration, but I do not think there is any foundation for such an idea or suggestion.

Mayor Low had nothing to do with the vicious legislation which Governor Odell had forced through the Legislature, and I feel confident that had Mayor Low been consulted by the Governor, he would certainly have advised against it, as Mayor Low knows the wrong done the charitable institutions of the city of New York, their wants and needs, and how the city is to suffer as the result of this legislation to lessen the taxes of the farmers up the State.

It cannot be said that Senator Platt is in any wise responsible for this legislation. He certainly did not initiate it, and I have reason to believe that while he did not feel willing to oppose Governor Odell in it, that his judgment was against it, because it tended to increase and intensify the feeling already too strongly, growing out of proposed measures increasing the taxes of the city and reducing the taxes of the counties outside Greater New York.

It was a terrible mistake on the part of the Governor. If he took advice he was wrongly advised.

He has, I think, acted from what he regarded as good motives. He has been terribly punished. What will be his action? Will he undo the great wrong as to the insane institutions?

Will he investigate the subject? Is he big and broad enough to repair an error, and to correct this terrible mistake when he sees it?

I have asked some of the ex-Presidents of the State Lunacy Commission, Prof. Ordronaux, Dr. P. M. Wise, Mr. George E. Canfield, President of the State Charities Aid Association, and others, to express their views upon this subject. Some of them are here; Mr. Canfield is attending at Albany at the annual conference of Charities and Corrections, and has made an address to them this morning. He has sent me the galley proofs of his address, which will be read this evening, as his contribution to this discussion.

Prof. Ordronaux, at his advanced age, cannot be here personally, but I present his views, as also those of Dr. P. M. Wise, late President of the State Lunacy Commission, and those of Edmond J. Butler, Secretary of the New York State Charities League, and Herbert Brown, Secretary State Charities Aid Association, and of others who voice the universal sentiment of regret that legislation, so fraught with disaster to its author, to the insane and to the general welfare of the State,and especially to the future of the Republican party,still exists on our statute books.

I shall feel at liberty to speak in detail as to the merits of the former system, and the demerits of the present, for the use of the Committee.

I offer the following resolution:

Resolved, That the chair be directed to name a committee to whom the subject be referred, with instructions to recommend a plan of action which would tend to concentrate and combine every element and organization interested in rescuing the control of the State institutions of a charitable character, including the hospitals and institutions for the insane, from the present vicious plan and system, and of securing the repeal or modification at the earliest moment, of the legislation referred to, and to submit a report to this body as to the result of its labors, also directing them to solicit the aid and co-operation of all citizens who desire the modification or repeal of this exceedingly offensive legislation.

The resolution was unanimously adopted.

The views of Prof. John Ordronaux, for five years President of the State Lunacy Commission:

Roslyn, N. Y., Nov. 15, 1902.

Hon. Clark Bell.

Dear Sir.—I thank you for the kind invitation to attend the November dinner of the Medico-Legal Society as your guest. Your former courtesies in this line have not been forgotten, and the present one but adds to the weight of my obligations.

I have a rooted aversion, however, to attending public discussions, and making addresses by way of ventilating my private opinions where they can be of little practical use and carry no personal weight. The care of the insane having now been brought into the arena of politics, can no longer be discussed without encountering an atmosphere of partisanship, which taints the sentiment and obscures the justice that should surround a charitable trust.

I was, as you are aware, the first Commissioner in Lunacy appointed under the creation of that office. I held it continually for nine years, and under four Governors, two Democratic—Tilden and Robinson—and two Republican—Dix and Cornell. In all that time and in my many conferences with them, no political element ever entered into their views, or was even hinted by them, as a factor of possible use in the administration of the office. Had any one mentioned such a thing I am sure it would have been frowned upon as an insult to the people who created it. Changes of a radical and diametrically opposite character having now been given to the of-

fice, and its complexion altered in such a manner as to deface the essential features of a visitatorial administration, auxilliary to that of the Supreme Court, any opinions I might express would be received only with derision as the vaporings of a hermit student long retired from the palpitating activities of the political world. I still adhere to the views ennunciated in my last official report, a marked copy of which I send with this, in the belief that you will possibly find among its paragraphs some ammunition which may fit the gun you are about to discharge at your expected banquet.

I am very respectfully yours,

JNO. ORDRONAUX.

The selections from the official reports of Professor Ordronaux, to which he refers are as follows:

STATE SUPERVISION OF THE INSANE.

The present method of supervising the insane in State asylums by local boards of managers residing in the vicinity, and representing in their composition all the elements of personal qualification necessary to comprehend the wants and the rights of lunatics under State guardianship, leaves little occasion for the suggestion of any change in governmental supervision of these institutions.

This system, in fact, is the only one consonant with the doctrine of a charitable trust, whether dedicated to public or to private uses. Necessarily, wherever a special trust is created it carries with it, by implication, a special trustee or body of trustees. Any subdivision of their authority would, to that extent, diminish their responsibility and weaken the trust. There cannot, with safety, therefore, be two concurrent boards of trustees endowed with coequal jurisdiction.

The experience of each year serves but to corroborate the wisdom of the present form of administration, and every State has adopted this method in preference to any other. When it is remembered also, that every charitable institution is, in fact, a domestic forum, needing to adapt itself to local circumstances as well as to rules of government, founded upon experience it will be best understood why those who live near it and have grown up in the atmosphere of its neighborhood, should possess superior advantages over strangers in moulding and guiding its daily life.

The present system of State provision for the insane was created by chapter 135 of 1842, organizing the State lunatic asylum at Utica. According to the decision of the court of appeals, this act provided a general system in regard to all the insane to be cared and provided for at the State institution. (Supervisors of Onondaga v. Morgan, 4 Abb. Ct. App. Dec. 335.) The expediency and sufficiency of this system for all purposes appertaining to it have, during thirty-eight years of experience and under successive legislative inquiries, never been impeached or questioned by any governor, court or legislature. Its wisdom has been demonstrated by time, and its features have been imitated in every State of the Union.

The leading point to be noticed in this method of supervision is, that the boards of managers of our State asylums consists of lawyers, physicians and merchants. They thus represent all the elements of a lunacy commission such as is appointed in equity to hold an inquisition upon the person and property of an alleged non compos. In this respect, therefore, every State asylum has a board of lunacy commissioners constantly supervising its administration, a majority of whom reside within easy reach of it. These persons are State officers appointed by the governor and senate, and like

all trustees ,their appointment implies confidence in their mental and moral qualifications. To appoint a governing board over them, by whatever name known, is practically to interfere with and supersede their jurisdiction, and oust them in law and in fact from an office of which they both hold the legal title and the possession. Such an incongruity of action in legislation would inevitably give rise to a legal contention between these two boards over the rights of the trustees in possession, either to receive or discharge patients, to appoint or discharge asylum officers, to make contracts for supplies, or to institute proceedngs for enforcing civil rights by suit or otherwise; during which contention between two governing boards of concurrent jurisdiction the insane would be the chief and only sufferers. Under our existing judicature the equity powers of the supreme court, the county and the superior city courts already furnish competent and ever ready tribunals before which to summon asylum managers, when delinquent as trustees. Moreover, proceedings in equity may be made summary enough to afford immediate relief through the various extraordinary remedies of injunction, mandamus and quo warranto. And in respect to personal liberty, it is needless to say, that the writ of habeas corpus can always enter anywhere and at all times. Lastly, criminal process may be executed as well in asylums as elsewhere against wrong-doers; so long therefore, as competent tribunals already exist in which legal remedies can be sought, and through which they can be enforced, and until such jurisdictions have first exhausted their powers, there would seem to be no legal ground upon which to justify the creation of new and supervisory boards to govern asylums.

The State supervision of the insane may be pushed, therefore, to a point which would constitute an encroachment upon the rights of the people of the counties in the department of their public charities, a department in which, of all others, they should be left free to act acocrding to the dictates of their public conscience, and the financial abilities of their particular locality. The best reforms, because the most lasting, will always emanate from the bosom of the citizens of a county, as soon as they are taught by experience the economical value of personally supervising their own local charities. Consequently, the most efficient supervision of all county charities will come from the establishment of local, unpaid boards of visitors, selected from among their own tax-paying citizens. Such a board will need no authority from the State to visit its own county charities, since the board of supervisors can always grant that power. In this way the people will secure a maximum of efficiency in the supervision of their public charities, at a minimum of cost.

At the very outset of assuming the duties of a newly created office, and with no precedents to guide him in exercising a jurisdiction of so indeterminate a character, the commissioner had consulted some of the most eminent members of our judiciary as to the interpretation to be put upon the powers of his office and the direction in which those powers could be most safely and most wisely exercised. The unanimous interpretation of these judges as to the intent of the law creating the office of commissoner in lunacy was, that the exercise of hs functions did not contemplate the substitution of his powers for those of tribunals of justice already existing, and in which all necessary remedies could be sought for and obtained, in any case of wrong substantially proved. And as for any other and non-enumerated wrongs sounding only to errors in administration of asylums, that these properly come within the remedial jurisdiction of boards of managers, or in the case of county asylums, withiu the constitutional powers of boards of supervis-

ors. Consequently, that the visitatorial powers of the commissioner in lunacy were to be exercised as advisory to the persons intrusted under the law with the direct management of these asylums, and until evidence of some wrong cognizable at law was laid before him to justify his interference, taht he could have no authority to initiate any proceedings looking to the application of corrective measures by a court of competent jurisdiction. Therefore, unless and until such contingencies arose that his powers remanied simply those of an inspector and visitor.

The Earl of Shaftesbury, in his evidence before a parliamentary committee in 1877, and in reply to the question whether there was strength enough in the commission to enable them to carry out an efficient superintendence of asylums, he used the following language.

"*We, in visiting asylums, have no power at all; we have only to examine and report, and it is very undesirable that we should have further power. It would only cause a great deal of bad blood and opposition, and I am sure that the success we have had with the county asylums has been entirely because we have done every thing by persuasion, by the force of experience and constant observation, and we have never exercised any authority; we never had any to exercise, and it would be most unadvisable to give us authority.*"

(Report select committee of Parliament on Lunacy Laws, 1877, p. 547; question 11,358-9.)

The efficiency of an official supervision of asylums depends more upon concert of action between the people and the asylum authorities to develop every resource of cure within reach, than upon maintaining an ostentatious watch over these institutions and thus reminding their inmates that those in whose charge the law has placed them are untrustworthy, and not deserving of that confidence which it is the first duty of every patient, whether in or out of an asylum, to repose in his medcal adviser. In the case of the sane it has been judicially decided that the services rendered by physicians are not purely subjective, but that the patient must co-operate as well; and in the case of the insane, it is the duty of their friends to see that they do so, by exercising firmness in compelling their obedience to the directions given by their legal custodians.

The views of the late head of the State Lunacy Commission, Dr. P. M. Wise:

New York, Nov. 15, 1902.

Clark Bell, Esq.

Dear Sir.—I beg to acknowledge your invitation to participate in the discussion of the subject, "Repeal of Lunacy Legislation Favored by Gov. Odell."

Your subject could have been stripped of any personal allusion or geographical reference, had it been, "How far shall history and experience guide us in the determination of problems of State?" The real point at issue could then have been met in the invariable results which have attended the removal of the government or management of public institutions from the hands of the skilled persons for whose services the institutions were created. These are so uniform that they are monotonous, especially as related to the insane. It is easy to contend under such experience, especially that so recent as presented in the United States—recorded and traditional—that the tendency towards removing the power of management, both professional and fiscal, from the senior medical officers in insane hospitals, are the premon,tory signs of progressive and ultimate decline, degeneracy and probable degradation. The

condition of the insane under country charge, as presented in the second annual report of the State Commission in Lunacy, was the outcome of unprofessional or lay management. Its correction was wholly the result of a public opinion created by professional protestation, in the first place; and the high standard of care which was reached, and which was declared to be in the year 1900 the highest in the history of the insane, while of being reasonable economy, was the result or outgrowth of skilled medical effort and influence, if not directly and wholly a professional work. The progress which has been made in all elecmoosionuary work more vividly shown in the care and treatment of the insane, has been in cycles of ups and downs, advance and retrogression. The man behind the wheel in all the upward work was either a doctor or one influenced by the doctors' teaching; and in all the backsliding and retrogression may be seen—pulling down, down, the fiscal crank, the economist, the miserly citizen anxious about the taxes, he who will let the dependent be forgotten, if only economies can be shown before the next election. In the face of this I fear a solicitious and conservative inquirer will find the tendency of recent legislation has been to displace medical authority in all managerial duties for a layman, or fiscal expert. If so, can results be safely expected as measured by history and experience?

Very truly yours,

P. M. WISE.

Views of Herbert S. Brown, Esq., State Charities Aid Association:

November 18, 1902.

Mr. Clark Bell, President Medico-Legal Society, 39 Broadway, N. Y.

My Dear Sir.—I expect to be in Albany tomorrow, and on that account I regret that I shall be unable to be present at the November dinner of the Medico-Legal Society.

Under a democratic form of government, and with the chances of bad being intermingled with good, n every department of the State, a system of checks and balances of power, even with its inevitable friction, is essential to safe government. The care of the insane of this State, involving the welfare or unspeakable distress of twenty-three thousand helpless men and women, the expenditure of $5,000,000 a year, and the control of many hundred State employes, is too great a responsibility to leave to three Commissioners whose time is devoted largely to the pursuit of personal affairs, whose official duties, perforce, are performed in large measure by clerks. It would seem to me far wiser to have again the essential feature of the old system, in which Boards of Managers with certain powers can check, and in turn be checked, by a central Commission in Lunacy having still other powers, such that neither of these bodies can act independently of the other.

An ideal business system with an ideal man at the head, might perhaps safely be run under the unrestricted direction of that manager. But we have no guarantee, either of ideal Boards of Managers, or of ideal Lunacy Commissions, or of ideal Governors. To place complete power in the hands of any one of these bodies, as has been done by the present Lunacy Law, is a menace to the insane, a menace to good government.

Sincerely yours.

HERBERT S. BROWN.

Views of the Secretary of the State Charities League:

November 14, 1902.

Mr. Clark Bell, 39 Broadway, New York City.

My Dear Sir.—Almost all of those most interested in the State Charities League will be in Albany next week, attending the State Conference of Charities and Correction. This, I regret to say, prevents our being able to name a representative to attend your dinner of the 19th inst.

You may be assured, however, of our sympathy with your movement to keep the State Hospitals for the Insane out of politics, and their management free from the inevitable evils of bureaucratic control.

Those who have supposed that the opposition to the existing Lunacy Law was simply a campaign artifice in the interest of a political party, to be forgotten now that the election is over, have very seriously misinterpreted the beginnings of an uprising of citizens of every class, irrespective of party, against the policy of the present State Administration with reference to the care of the insane—an uprising which is already stirring every corner of the State.

I trust yourself and others of the Medico-Legal Society will be able to get up to Albany, even for the last day of the Conference.

Sincerely yours,

EDMOND J. BUTLER, Secretary.

The following letter from Geo. F. Canfield was read, accompanied by a copy of the address to which he referred:

New York, Nov. 14, 1902.

Clark Bell, Esq., President Medico-Legal Society, 39 Broadway, N. Y.

Dear Sir.—I have your letter of November 12th, and thank you very much for your kind invitation to go with you to the dinner of your Society on November 19th, next. I regret that I shall be unable to attend, as I shall be in Albany on Wednesday. On Wednesday morning I am to read my report at the State Conference of Charities. I have been endeavoring to get some information in regard to the different systems of administration of state institutions for the insane, and I shall be glad to send you a copy of my report as soon as it is finished. Ifit is finished in time, I will send it to you so that you may make use of any information contained in it at your meeting of the 19th.

Thanking you again for your kind invitation, I am,

Very truly yours,

GEO. F. CANFIELD.

The address of Mr. George F. Canfield, President of the State Charities Aid Association, which he delivered at a meeting of the Third Annual Conference of Charities and Corrections, held at Albany on Wednesday, November 19th, best illustrates the almost unanimous feeling of that large body of men devoted to the philanthropic, humane and useful work relating to the insane and other boards and beneficiaries of the State.

Mr. Canfield can not in such an address speak with that freedom of expression which he would be free to use in this discussion.

His aim is not to demand the repeal of the legislation directly, as he feels the delicacy of his position in this regard; he confines himself rather to a dispassionate statement of the facts.

His language and expressions are more guarded and reserved than he would doubtless use if he was speaking, as he was invited to do, directly to the question before the people of the State, as to the necessity of the repeal of the legislation, but he voices the almost universal wish of the large body he represents, many of whom, while greatly deprecating the action of the Executive, felt loth to be arrayed in direct antagonism to him, and who rather than vote against him, withheld their ballot and did not vote at all.

I give the address entire, because of the great importance of the subject, and as a guarded and conservative illustration of one of the most conservative of the late friends of the Governor, and reflecting the views of the great party of conservative men of the city and State, who now condemn and deplore this action of Governor Odell, and for its bearing on his political future, and on that of the Republican party if it takes no steps to correct the vicious legislation which he has induced and used his great power in the Legislature, to pass and place on the statute books of the State.

THE VIEWS OF GEORGE F. CANFIELD, ESQ.

Mr. Canfield's address is as follows:

The past year has been an eventful one in the history of our state institutions for the insane and the mentally defective. By the amendments to the Insanity Law, which were passed by the Legislature of 1902, our system of supervising and managing the institutions for the insane was fundamentally changed, and by the amendments to the State Charities Law our system of supervising and managing the institutions for the feeble-minded and epileptics was changed in some important respects, although not fundamentally. In order that we may clearly understand the present situation and the nature and scope of these changes we must consider briefly what the old system was.

The old system of managing the state institutions for both the insane and the feeble-minded and epileptics comprised five principal features. Those features were:

1. Control of the internal management and care of the inmates of the institutions by boards of unpaid managers, consisting of men and women of high character and philanthropic disposition.

2. The superintendents or administrative heads of the institutions appointed and removable by these boards of managers, and therefore responsible to them for the internal management and care of the inmates.

3. The members of the boards of managers appointed and removable by the Governor, and therefore responsible to him for the faithful performance of their duties.

4. The financial control vested in an independent body or official here at Albany, in the case of the institutions for the insane, in the Lunacy Commission, and in the case of the institutions for the feeble-minded and epileptics, in the State Comptroller, the Lunacy Commission and the State Comptroller having respectively the power of vetoing and revising expenditures recommended by the superintendents and boards of managers, but having no power themselves of making contracts for the supplies and the other expenses of the institutions.

5. The power of visiting and inspecting the internal management of the institutions vested in a central independent body not connected with or directly responsible for the internal management. In the case of the institutions for the insane this central independent body was the Lunacy Commission, and in the case of the institutions for the feeble-minded and epileptics it was the State Board of Charities.

Such was our old system of managing the State institutions for the insane and mentally defective. It was a system which was developed and established as the result of the earnest thought and special experience of the philanthropists of our State. It was the system of local management as opposed to that of centralized state control and local management by philanthropists, it was believed in the light of experience, was better adapted than official control from a distance to secure wise and kindly care for the inmates of these institutions, that great mass of helpless and unfortunate creatures who in the past had suffered so often and so scandalously from official ignorance or official dishonesty. This system of local management in one form or another is the one which prevails today in Great Britain and in most of the states of this country, and as the result of a rather extended investigation and correspondence with persons connected with state charitable institutions, or active in charitable work in other states, I may say that this system is not only the one favored by the philanthropists of this State, but is supported by the largely preponderant sentiment of the charity workers throughout the country. In some states, for example, in New Jersey, there is the system of local management without state supervision; in other states, for example, in Ohio, there is the system of local management with state supervision merely, but without state financial control; finally, in other states, for example, in Massachusetts and many others, there is the system of local management supplemented by both state supervision and limited financial control.

The only serious criticism that was ever made against the systemof local management was on the score of extravagance, Whether that criticism was well founded or not (according to competent authority it was well founded, if at all, only to a very limited extent), there was never any serious doubt that the inmates of the institutions were receiving wise and kindly care. When the financial control in '93 and '94 was taken away from the boards of managers and vested in the state, there was then no longer any ground for apprehending extravagant management of these boards, for the state had the power, either through the Lunacy Commission or the State Comptroller, of preventing any extravagance. It would seem, therefore, that our old system, with its checks and balances, on the one hand, calling into play the intelligent activity and philanthropic zeal of the members of the boards of managers, good men and women interested in the welfare of the inmates and familiar with and responsive to their needs, as they could learn them on the spot, and on the other hand, safeguarded by the vigilant supervision of an independent state official or commission possessing finan-

cial control, was well devised to secure both wise and kindly care and economical and efficient administration, and so to satisfy both the demands of humanitarianism and the interests of the taxpayers. And, as a matter of fact, the results achieved under that system were, on the whole, most satisfactory and gratifying, both with respect to the efficient care of the inmates and with respect to economy, and we shall be more fortunate than we have any reasonable ground for expecting, if equally satisfactory results can be permanently achieved under the new system. In fact, it was because the results of the old system were so satisfactory, and because there was so much apprehension on account of the dangers involved in the new system, that the amendments to the insanity law adopted last winter were so unanimously opposed by the charity workers of this State.

What, then, is our new system? So far as the state institutions for the feeble-minded and epileptics are concerned, which are under the jurisdiction of the State Board of Charities, the important changes effected by the amendments to the State Charities Law are those providing for a Fiscal Supervisor, and giving to the Governor the power of removing superintendents. The Fiscal Supervisor has the power of financial control heretofore vested in the State Comptroller, and has, in addition, the power and duty of visiting and inspecting the institutions. While the boards of managers are left untouched, and no powers are expressly taken from them, the possession of the power of removing superintendents now vested in the Governor undoubtedly tends in the direction of greater state control, and the office of Fiscal Supervisor may bring into activity influences which, if not resisted, will tend towards the development and establishing of an administrative board for the charitable institutions, similar to the Lunacy Commission as now constituted for the hospitals for the insane, and if such an administrative board is established, efforts may be renewed practically to abolish the State Board of Charities.

The amendments to the Insanity Law effected much more important changes with respect to the hospitals for the insane than these amendments to the State Charities Law with respect to charitable institutions. These changes, indeed, are so fundamental that we have now already an entirely new system for the supervision and management of our institutions for the insane. By these amendments the authority of the superintendents has been seriously impaired by taking from them the power of appointing the stewards, and the administrative work of the hospitals is therefore now divided between the superintendents and stewards, a thoroughly unscientific and discredited administrative arrangement; all the local boards of managers have been abolished, and the control of the internal management of the institutions heretofore possessed by these boards, together with the power of appointing the stewards, heretofore possessed by the superintendents, and the very important and dangerous power of transferring the superintendents from one hospital to another, without assigning any reasons therefor, is now vested in the Lunacy Commission. The Lunacy Commission, therefore, possesses now complete control, both financial and internal, and its constitutional functions as a visiting and inspecting body have, therefore, been destroyed. The amendments do indeed provide for visitation and inspection by local boards of visitors, but these are without any real or effective authority, and the system may, therefore, be designated a system of state control supplemented by local supervision, as opposed to the old system of local control supplemented by state supervision.

This system of state control has recently been established in some Western States, including Wisconsin, Iowa and Minnesota,

but it is still in the experimental stage, and it cannot yet be determined how it will work as a permanent policy.

Of course, we must all concede that men are better than systems. Under bad systems good men will give us good results, and under good systems bad men will give us bad results. The test, therefore, of the value of an administrative system is whether it is likely on the whole, and in the long run, to give us good men for administrative officers and to place those men under such conditions that they can do their best. Applying this test, we must say that the system of state control for charitable institutions has not been in operation long enough anywhere to determine as a matter of experience whether or not it will work well in the long run. Moreover, even if it should work well in the long run in such a state, for example, as Iowa, it does not follow that it would work equally well here, where the social and political conditions are different, and the number of dependents upon charity and charitable institutions is so much larger.

So far as our own State is concerned, as this new system did not go into operation until April last, it is, of course, entirely impossible to say from experience whether or not the fears of the opponents of that system will be realized. Those fears were not as to immdiate consequences, but as to what was likely to follow ultimately, and in the natural course of events. So far as I know, none of the powers conferred by these amendments in the insanity law which might be exercised to the detriment of the hospital service, have yet been actually exercised. The Lunacy Commission is still composed of the same men. None of the superintendents have been removed or transferred, and there has not yet been any substantial change in the personnel of the service. It is to be feared, however, that the impaired authority of the superintendents, the division of responsibility between them and the stewards, their subjection to this subtle power of transfer, and their loss of the strong and intelligent support of the local boards of managers, will tend to make the field of hospital service less attractive hereafter to men of high attainments and ability, and that when the present superintendents go out of office, their places will be filled by an inferior grade of men. This is, perhaps, one of the greatest dangers involved in the new system, and when these consequences follow the deterioration in our hospitals will be rapid and lamentable. For the present, however, we may concede that no tangible, clearly defined bad results have yet appeared; and on the other hand it must be conceded that no good results have appeared. This is only natural, for men are more important than systems, and can for a time resist adverse influences, and, as we have seen, there have not yet been any important changes in the men; and it only tends to confuse the situation to contend that it is otherwise. The contention of the friends of the new system that the policy or practice of economy in the management of these institutions is the result of it, is entirely unwarranted, and equally unwarranted is the contention of the opponents of that system that among its results is the reduction in the dietary and hospital attendance, and in the recovery rate. All these grave evils are the results not of the new system, but of the policy or the practice of economy, which antedated the new system itself, and cannot, therefore, be a result of it. This policy of economy has, in fact, been pursued for many years, and it must be admitted with increasing success so far as mere financial results are concerned, and such policy could have been continued without any change in the old system. The control of expenditure under the new system is precisely where it was under the old system, and where it has been ever since the year

1903, viz., in the hands of the State Commission in Lunacy, the Legislature and the Governor.

The annual per capita cost of maintenance, which previously to the fiscal year ending September 30, 1899, had never been below $184, was that year reduced to $178.42. In the following year, 1900, the low rate of $164.79 was reached. It was, naturally, found impossible to maintain this rate, and the following year shows an increase to $167.70. During the past year another forced reduction has been made, resulting in the exceptionally low rate of $161.69. This rate has been maintained in the face of a rising market, and notwithstanding a largely increased expenditure for coal, by diminishing the amounts spent for food, clothing and other supplies, ordinary repairs, salaries and wages. This low rate of maintenance has been coincident with a decrease in the number of recoveries from 1209 the previous year to 1133 during the past year, though there were nearly 600 more patients under care. It has also been accompanied by an overcrowding of the state hospitals, which is estimated variously at from 2,000 to 3,000 patients.

These unfortunate conditions are not the result of the new system. Indeed, since the new system went into operation the State authorities, in response to the earnest recommendations of a committee of superintendents, have increased the allowance of food, and to that extent have improved the situation. The situation, therefore, can be still further improved, at least, temporarily, without any change in the law itself. If the new system is to remain unchanged, what is needed is that the Governor and the Legislature and the State Commission in Lunacy shall abandon this penny-wise and pound foolish policy and shall permit a more generous rate of expenditure. The State Commission in Lunacy should recommend to the Legislature a sufficient appropriation for the needs of the insane. The Legislature should make such an appropriation, and the Governor should approve it.

One of the principal motives for this new legislation was undoubtedly this—what may properly be called passion for a short-sighted economy, and one of the apprehensions in regard to the possible effect of it was that, if you have State authorities honestly and zealously devoted to economy, you will have too much economy and too little efficiency, and under existing circumstances that apprehension was perhaps a more active influence than the other apprehension, that if you have State authorities not zealously and honestly devoted to economy, you will have both inefficiency and extravagance.

The fact that the practice of economy had already been carried too far, and that one of the first important acts done after the adoption of the new system, which ostensibly, at least, had for its object the securing of greater economy, was the formal acceptance of the necessity of increased expenditure, shows how real this danger is—the danger, namely, under State control of a too parsimonious expenditure of money, involving not merely a neglect of the inmates, but also of the broader interests of the tax-payers. Under the new system, therefore, more than ever is the vigilant supervision of philanthropic citizens imperative. More than ever is it necessary to keep an intelligent public opinion well informed, and to bring to bear upon the management of these institutions the beneficent influence of such opinion to the end that, without losing sight of the interests of the taxpayers, the demands of humanity shall be complied with.

Mr. Canfield has not been felt called upon in this address to touch upon the real and fundamental error and vice that

is beneath all this legislation, viz: the power in the State Lunacy Commission to exercise other than advisory powers.

It would not have been his duty in such an address to have done so.

But now that we have drifted away from every mooring we have held to in the past, and destroyed and undermined all the elementary and fundamental principles that have been held to be essential and fundamental in all civilized countries, except in a few American States where the lunacy administration has been unwisely thrown into the domain of partisan politics; when the urgent needs of the hour demand the repeal and modivcation of this legislation, and a general revision of our whole lunacy and charitable work, the issue with which we are confronted must be met, and I am asked by the Medico-Legal Society to ask the aid and co-operation of all organizations, and of all persons who will devote themselves unceasingly to this endeavor until relief is obtained.

This effort is initiatory purely, and the question simply opened, and articles are solicited to be read before the Medico-Legal Society, or referred to the committee I am directed to appoint for this commendable and humane endeavor.

DISCUSSION OF THE PAPER OF CLARK BELL, ESQ., ON REPEAL OF THE LUNACY LEGISLATION.

Mr. Walter Scott, Editor of the Tammany Times, in the discussion of the subject of the Repeal of the Lunacy Legislation inaugurated by Governor Odell, said:

I am here as a substitute for Congressman William Sulzer, who is resting in the woods of Maine after his hard-fought political battles. I have been greatly interested in what your worthy president, Dr. Clark Bell, has had to say regarding the uniform policy of advisory boards for institutions for the insane, from the days of Shaftesbury down to the present time, and I have also been greatly interested to learn that these advisory boards are considered desirable in every civilized country, and in every State of the Union, except the State of New York. To me it seems as though the policy of Governor Odell is part and parcel of a general play of forces in this country in the direction of centralization. I think you will hear more of these tendencies in the direction of centralization in days to come. I hope that the committee which you are about to appoint to plead with Governor Odell for a reversal of his position in these matters pertaining to lunacy legislation will succeed in its efforts, but I cannot say that I really feel very much confidence in its ultimate victory. To me it seems as though the supreme duty of the hour—the paramount issue of the day—is to check the tendencies in the direction of centralization.

Huxley tells us—or was it Tyndall—of an old soldier who, tanned by Africa's suns and bronzed by India's winds, returning to his English home, left the army and entered civic life. While crossing the streets of London one day, a former comrade, desiring to make sport, sang out with quick, sharp accents, the staccato notes of the word "Attention!" So great is the power of force of habit, so strong the play of the automatic nerve arcs, that this old soldier, oblivious to all surroundings, assumed an upright position and dropped his dinner pail in the street at this one word, "Attention!" And so you, too, you citizens of New York, holding your lives, your fortunes, aye your sacred honors in your hands, shall suddenly drop all that you hold most dear, in the mud and mire of the streets at the "Attention!" command of a black angel.

I hold this truth as a fundamental proposition, that all of the reforms of the world proceed from the bottom up to the top—not from the top down to the bottom. Place the keys of empire in the hands of a few men and you have an oligarchy—I care not whether you call that oligarchy a kingdom or a republic. In a land of machines it becomes more and more difficult each year for the American boy to rise in this world, unless backed by wealth and power. And, oh! in a land and age gone money mad, we do want to keep our hearts young and fresh and sweet! We love our land and race, and to me it seems as though the time is rapidly approaching when we must say to these men who hold the destinies of the land

in the hollow of their hands, as they are reaching out after the control of our charitable and educational institutions, and the control of the courts, as One of old said to the sea: "Thus far shalt thou come and no farther."

For, with the control of these great machines vested in the hands of the few, the charitable, educational, correctional, political, and even the church work of the future must inevitably be managed by the few. A modern Martin Luther might appear, but it would be comparatively easy to crush a new Luther out of existence. An American John Calvin might plead in vain, for John Calvin was never obliged to indulge in a battle royal with the modern daily newspapers, now in the hands of these men. John Knox, if he came to this republic, could only fire the hearts of individuals, and the days of individualism are passing. A Twentieth Century John Wesley might perhaps attract around him a few devoted followers, but he could never make the world his parish; he could never found a great church system with reform ideas, and the missionary spirit without permission from the men who keep their hands on the levers of these machines. What did Ignatius Loyola, when he faced the world with the splendors of his enthusiasm and established the Jesuits, know of the methods of these modern mergers? George Whitfield might, it is true, gather a strange power to move the hearts of men—he might turn the sluggard's blood to flame, and the coward's heart to steel—but without permission from the powers that be, his efforts would be of no avail. Whitfield might, for instance, win the individuals, but he could never get at the men behind these mighty machines.

I could tell you things regarding the play of practical politics in this country which you would not forget until your dying day, but to me it seems as though this is not the time—this is not the place. I may say, however, that I believe that never before in the history of this country has the influence of money been shown to such a marked degree in elections and legislation as during these latter days. I will illustrate what I mean by telling you of an interview which I once had, a dozen years ago, while connected with the Toledo Blade, with Congressman Russell, of Massachusetts. His statements at that time were so striking and so startling that I did not print them. Nor have I ever used them until tonight. Why Congressman Russell made the statements which he did, since he could have had no grievance against the people mentioned, has always been a mystery to me.

He said: "Talk about your rotteness in New York City politics—talk about Philadelphia corruption—talk about crookedness in Western cities like Cincinnati, Cleveland and Chicago—why the farmers of the Hudson River Valley and the Mohawk Valley can give any city in the country cards and spades and win out! There are old farmers—and this is true not only of the individual farmers, but of the farmers as a class, who will sit on the fence all day waiting for some one to come along and offer them fifty cents for a vote, and if they cannot get fifty cents, they will take a nickel."

Now, I do not wish to be understood as endorsing these statements in any particular. I come from the rural regions myself, and I believe that the future salvation of this country is in the hands of the farmers. I use this illustration in passing, merely to show how the sheer force and weight and power of money bears down always and ever upon the under dog in the fight. Apparently it resolves itself into the same kind of a problem that confronted my Department Store Girl. I will only stop to explain that my Department Store Girl is merely a creation of imagination. But here is what she says:

"After all can money do all things? If so, why keep up this fiction about truth and honor and love. Is truth after all only on the level with the Santa Claus lies of our babyhood? Must we always shed bitter, bitter tears because honor will never, never again come down the great wide chimney with reindeer and sleigh and tinkling bells? As we grow older must we lose faith in everything except money, just as children lose faith in dollies with the saw-dust filling falling out?

"Then, if ever I have any boys, I will turn them loose as messengers in a bank, just as soon as they are old enough to read and write, with instructions never to take their eyes off the presidency of that bank. If ever I have any girls—and I pray God that he may never send me any girls—even to comfort me in my old age—I will train them in childhood to court only Lombard Street kings. For them there shall be only one kind of a man in the world, and that is a millionaire. For them, all other men shall not exist. Then, as a family, we shall be getting on."

TRANSACTIONS.

AMERICAN CONGRESS ON TUBERCULOSIS.

[*Continued from page 228, September No. this Journal.*]

THE DOMINION OF CANADA.

The following communications were presented from the Government of the Provinces of the Dominion of Canada to the Congress, and ordered placed on file.

Government House, Toronto, Nov. 21st, 1901.

Sir.—I have yours of the 18th inst., and accept with much pleasure the appointment of Vice-President of your Association on Tuberculosis. I have the honor to be, sir,

Your obedient servant,

O. MOWAT.

Nov. 27, 1901.

Dear Sir.—I beg to express my appreciation of the honor conferred by your executive in appointing me Honorary Vice-President of the American Congress on Tuberculosis; I may mention, however, that my official term as Lieutenant-Governor will end in a few days from this, and my official influence in the way of legislative action for the promotion of the objects of the Congress will cease.

Very truly yours,

A. R. McCLELAN.

Victoria, B. C., November 26, 1901.

Sir.—I have the honor to acknowledge the receipt of your letter of the 18th instant, informing me of my appointment to the office of Honorary Vice-President of the American Congress on Tuberculosis, which I have very much pleasure in accepting.

At the same time allow me to thank you very much for the papers you were kind enough to forward me. I have the honour to be, sir,

Your obedient servant,

FERRIS G. JOLY DE LOTBINIERE, Lieut.-Gov.

Government House, Regina, 23d November, 1901.

Dear Sir.—I am directed by His Honour the Lieutenant-Governor of the North West Territories, Canada, to acknowledge the receipt of your letter of the 18th inst., informing him of his appointment as one of the Honorary Vice-Presidents of the American Congress on Tuberculosis; and, in reply, to inform you that His Honour has much pleasure in accepting the office.

Yours obediently,

A. W. J. BOURGET, Private Secretary.

Halifax, N. S., 29th Nov, 1901.

Sir.—I am directed by His Honour, the Lieutenant-Governor, to acknowledge the receipt of yours of the 18th inst., asking him to act as an Honorary Vice-President of the American Congress on Tuberculosis. I am to say that His Honour will be very pleased to act in that capacity, and to further the aims of any such laudable subject. I am.

Yours truly,

J. C. JONES, Major A. M. S.,

Private Secretary.

San Juan, P. R., Nov. 26th, 1901.

My dear sir.—In reply to your courteous invitation of November 9th, allow me to say that it will give me great pleasure to accept the position of Vice-President of the Congress for this island.

The following gentlemen would, I think, all be willing to assist in the advancement of the good work you have undertaken, and all of them are really able men with large experience.

Dr. Ricardo Hernandez, San Juan, P. R.
Dr. P. J. Salicrup, Ponce, P. R.
Dr. F. Goenaga, San Juan, P. R
Dr. A. Stahl, Bayamon, P. R.
Dr. Gastambide, Arecibo, P. R.
Dr. F. Nunez, San Juan, P. R.

With great respect,

Sincerely yours,

WM. FAWCETT SMITH, M. D., Secretary.

Dr. Wm. Oldright, of Toronto, delegate from the Provincial Board of Health of Toronto, was next called upon, and responded for Ontario as follows:

Mr. President and Gentlemen:

I thank you very much on behalf of the Province of Ontario for the welcome you have accorded us this day. I trust you will not consider me actuated to an undue degree by a feeling of national egotism if I refer to the auspicious coincidence of this opening day of a Congress devoted to the benefitting of mankind with the announcement of the re-establishment of peace in the British Empire amongst the people of South Africa. I know that you will sympathize with those who rejoice that this lamentable struggle is at an end. At a later session your attention will be drawn to some of the work being done in Ontario in combatting tuberculosis and I will not detain you longer than to thank you for your kindly greeting.

In replying to Mr. Clark Bell's resolution congratulating the British nation upon the re-establishment of peace, only one dissenting voice having been raised, Dr. Oldright, of Toronto said:

Mr. President and Gentlemen:

In the struggle now ended Great Britain has been standing for a principle dear to all free nations, one for which the people of America have had cause to fight more than once—equal rights and equal representation to all classes of the community. In doing so our nation has had to occupy the unfortunate position of the big boy coercing the little one to behave himself aright. We should all be glad that the obstinate and painful fight is over. Were I a Boer I would thank you, as a Briton I do thank you for your kind resolution.

AT THE ANNUAL BANQUET (Continued).

On presentation of the loving cup to Clark Bell, Esq., LL. D., at the Hotel Majestic, June 3, 1902, Dr. T. M. McIntosh of Georgia, said:

Ladies and Gentlemen:

As I came into the banquet hall this evening I was informed that it was expected of me to make the presentation of a "loving cup" to our presiding host and honored Secretary and Treasurer of this Congress, Mr. Clark Bell.

Being totally unexpected, and not being versed in the arts of speechmaking, if I fail in full measure of tribute to the subject and occasion, the lack in felicity of expression will be compensated in the earnestness and sincerity of their meaning.

During the life time of the oldest person in this hall, the medical profession has made wonderful strides in its science, in its art; and not the least notable and praiseworthy is the unselfish work it has done, and the great advancement it has made in the domain of hygiene and preventive medicine; and this assemblage of earnest men who have come from every portion of our own country and from many foreign lands to bring testimony of what they have done, and to learn of the work of others in their endeavor to stay the ravages of that dreadful disease, tuberculosis, is an evidence of the fruition of that work.

In the creation of this "Congress on Tuberculosis," the most potent and paramount influence in originating and bringing it to its present national and international promience is he to whom we present this loving cup tonight, who by his personal ecort and untiring zeal has accomplished this great end. In his young manhood, when his life was full of rosy hopes and laudable ambitions, stepping aside, as it were from his profession of law, and forming close ties of personal friendship with eminent medical men, he caught from them the spirit of unselfish labor for the good of mankind, and this work he has helped and continued during the days of a riper manhood, beyond the period of his middle life, to the time when his hair has become tinged with the frost of years and his brow furrowed with its cares, and when he looks backward over his career of the past, and this career, in all its periods, has been guided by high and lofty ideas and noble deeds, which has brought him fame and fortune in the science of law, as well as having written his name by his deeds in enduring type among eminent expounders of medico-legal problems and as an earnest worker fo the uplifting and betterment of mankind.

What more fitting thing could be done in behalf of the medical profession of America than that he should be the recipient tonight of this token of our love and esteem, though but a small tribute to his merit and the work that he has done? When, now since he has expressed a desire to be relived from further active participation in the work which has so earnestly engaged his time, and retire from his official position, into which retirement with our esteem he goes. "To crown a life of labor with an age of ease," and if we dare go further and lift the veil of the future there can be no sweeter sentiment when on can say:

"Life, we have been long together,
In sunshine and in cloudy weather;
When we must part, give me no warning,
Say not good-night,
But in some brighter clime, bid me good morning."

AT THE BANQUET.

Professor Brewer, of New Haven, spoke as follows:

Mr. Chairman:—I have listened to the brilliant speeches here to-night; I have thoroughly enjoyed the occasion, and will add but a few words which this event itself suggests.

The joyous mood of the banqueters, at first thought, seems strange in contrast with the gravity and solemnity of the subject which this Congress has been discussing for two days. We have been talking of a great scourge which afflicts mankiud, and causes an unspeakable amount of suffering, sorrow and death, and yet, we are in a joyous mood! May I say we are excusable for this? It has seemed to me as if we, as a Congress, were perhaps justified on such an occasion, in saying, "Let us eat and drink and be merry, for to-morrow we die." The Congress met for a single and beneficent object, and is closing its yearly discussion in a hopeful mood. If the sanitarians of the coming years conquer this great foe, as we hope and believe they will, some of the young men now with us to-night will live to see the day when there will be no longer any need of such a congress. They will not need to meet and banquet on the night before the battle, nor while the battle is in progress.

And what a boon to mankind that will be! The whole civilized world is just now shocked by the great catastrophe on the islands of Martinique and St. Vincent. Thirty thousand persons killed in a few minutes in that dreadful tempest of fire and hot ashes! The world is aghast. The nations are hurrying to the spot with food for the living, help for the wounded and to help bury the dead. The story of the catastrophe seems too horrible for belief, and yet the danger we came here to fight is vastly greater and

very much more destructive. Tuberculosis kills more persons every year, in the United States alone, than all the volcanoes and earthquakes in America have killed since the continent was discovered. It kills more victims every four months than were killed in this recent volcanic eruption. Because its victims drop one by one, every day, it is no less dreadful,—"still as the breeze but dreadful as the storm," but feebly describes it.

We may be joyous to-night, yes, even merry, for we believe that even the present generation will see tuberculosis under reasonable control and that, before this new century closes, there will be no more need of such a Congress—no more need than there is now need of a congress to discuss how to control smallpox. The world will rejoice, there will then be banquets, doubtless, but if it be by a "Congress on Tuberculosis," we trust that it will be only to talk of the deeds of by-gone sanitarians or to celebrate the glorious victories they achieved.

Address of Monsieur Louis J. Nicolas, Consul-General for Haiti, at the annual banquet of the American Congress on Tuberculosis:

Ladies and Gentlemen:—

So warm has been the introduction made of me by the Honorable Dr. Clark Bell, that I feel myself under a certain obligation of apprising you that you have not before you an after-dinner speaker, so that there may be no unnecessary disappointment to you after the enjoyment which some of the best speakers at the banquet have afforded you.

I think it best thus to have a perfect understanding between you and myself, in order that you may not entertain the thought that you are going going to hear a speech as tasteful and palatable as those made by the previous speakers, so much in accord with the excellent dinner spread before us.

Do I need to apologize for any hesitancy or error of speech which I am sure I shall display in attempting to use the beautiful language in which Shakespeare wrote? Certainly not, for Dr. Bell has in a tactful manner made you aware of the fact that the English language is not my mother tongue, and I feel constrained to tell you that it is only with great difficulty that I can express myself in it. Therefore, I fear that, contrary to what Dr. Bell has so kindly said on this point, I shall not be able to speak to you in English either fluently or correctly.

Ladies and Gentlemen, for two days this eminent Congress has been discussing tuberculosis, the remedies to be applied to arrest

and limit, and as far as possible, eradicate its ravages, and the means, where cures have become impossible, of ameliorating the condition of those already afflicted.

What then, shall we think to have been the prevalent idea which induced this organization to entertain its members as it is doing here this evening?

May it not have been to emphasize the tie of confraternity and friendship which ought to exist between all nations whenever it becomes necessary to find a solution of any important question affecting any of them?

Aside from the credit due for its humane purpose of scientific research, this Congress certainly deserves to be congratulated on such a broad and unselfish idea, which if understood and observed by every nation on the earth, would remove every cause of international conflict.

In its earnest desire to serve humanity the world over, the Congress went so far as to bring here and exhibit to its members a sample of the enemy which, in the common interest of mankind, it is trying to overcome and eradicate, and requested all to face this enemy by perfecting the arms of science which are now in use, every one being free to express his own opinion, and to suggest measures for success concerning the perplexing question. The result is that you have made recommendations which can hardly fail to benefit the whole world.

All this surely reflects the highest credit on the Congress and its organizers, and it is becoming and appropriate, too, that such a body should hold its deliberations in the United States, which is the best illustration of democracy in the world.

Indeed, it is but natural that such broad sentiments of brotherhood and concern for the general welfare of all as have been shown by the purpose of this Congress, should find a response among a people whose Government has always practiced toward all nations, toward every sister Republic, great and small, justice and equality.

It is said that Europe is trying to discover America a second time, and the fact is that she is studying America anew. But we on this side of the ocean already know from the past, from the early struggles for life which our sister Republics on this continent had to maintain, the value of the friendship of the United States.

If the poor mother of the Gracchi presented only her sons as her jewels, the United States might say: "Great and rich am I, but of all my jewels those that I most appreciate, are my justice and equity toward all nations."

Therefore such a great and liberal democracy ought to know well the people of her sister Republics, and this can only be brought about by close contact, and by a free use of the now perfected discoveries of Fulton and Morse.

Not having been always truly represented by the press, we are somewhat under a certain fear that the general American public may take for granted too many things which the press here have said about the other American Republics.

While we are warm advocates of the liberty of the press and of the great work of education which it is doing among the people, we are, unfortunately, too often made to feel sorry that too much credence is given to reports sent out by correspondents abroad, who seem sometimes to think they are fulfilling their duty in sending out uninvestigated and unverified statements of the most sensational character, evidently thinking that in this way they are most pleasing to the American reader.

A diplomat in Washington has said: "Formerly foreign representatives were sent abroad to say the best possible things about their

own countries, but this time has passed away, and to-day the foreign representative must tell the truth about his country."

As Consul-General of Haiti, I have good reason to agree with this diplomat. We are all now neighbors, thanks to the discoveries of Morse and Fulton, but while we are performing the duty of making our respective countries known, we feel that we are right in throwing out a gentle caution about sensatioal reports, which clear and dispassionate reflection is sure to uncover and demolish, as the old wall of China has been tumbled down before the steady and rapid progress of the past and present centuries.

Ladies and gentlemen, I thank you for your attention.

At the banquet on the evening of June 3, 1902, at the Hotel Majestic, Samuel Bell Thomas, Secretary of the Medico-Legal Society, on being called to respond, said:

Mr. Toastmaster, Gentlemen of the American Congress on Tuberculosis, the Medico-Legal Society, and our Honored Guests:

This hour touches for me the high tide among the honors of a fortunate life. To be asked to speak on this occasion, to this brilliant assemblage of professional and representative men gathered from the four corners of the earth, in behalf of the greatest city on the face of the globe, is indeed an honor which no man can but feel proud.

One year ago we met as we meet now, a body of determined men seeking some method to stamp out, with the aid of science, the most ravaging enemy of mankind. One year has come and gone, with it this organization has developed and grown in its work for humanity, until it embraces in its mighty scope, the sympathies and co-operation of almost every civilized country in the world. You gentlemen, who are delegates to this Congress, New York welcomes you with open arms. The greatest city of the greatest country on the globe bids you a royal welcome, and opens to you the hearts and homes of her hospitable citizens. New York needs no eulogy at my hands. One view of our city impresses the stranger within our gates of its magnificent grandeur.

In the miles of beautiful asphalted streets and avenues, decorated with homes and churches which are triumphs of the builders' art; in the open areas, bright and enchanting with flowers and fountains; in the circles and magnificent stretches of parks adorned with statuary and monuments of heroic dead—of men of science, letters and art, of our statesmen and jurists; in its beautiful libraries donated by public spirited citizens, worthy mansions of literary art and science; in yonder mausoleum of spotless marble, erected to the memory of the savior of his country, sublime in its simple grandeur, but the noblest structure of them all—the Statue of Liberty, standing in mute and silent grandeur at the entrance to our city's portals, with her blazing torch glowing like a flaming beacon, as if to light the way of the wanderer; in all these crowning glories of the fairest of all cities, our countrymen acclaim New York their Mecca. We cherish it, not alone for the glories just enumerated, but by a common sympathy that draws all the world to its feet as worshipers. We love it not alone for its great beauty, but for the great events and the great virtues of which it has been the theatre. We adore it for the great part it has played in the century of our political and civic history. Great people are made by the amalgamation of races—like the beautiful bronzes which are composed of many and various grades of metals. Composed as we are, of all types of men and women from the four cor

ners of the earth, we have, under the influence of the blessings of liberty, cast new patterns in the furnace of humanity for ourselves, as well as for all nations. If we are a greater Dublin, we are also a greater Paris, a greater Berlin, a greater Rome and a greater Jerusalem, bearing indeed the birthmark of the American citizen, but fused into a new and original national character.

To the Gentlemen of the medical profession from the many states of the American Union, from the Dominion of Canada, from Mexico and the representatives of Southern and Central America, who grace this occasion by their presence, and lend weight, character and dignity to the work of the Medico-Legal Society, which has borne so conspicuous a part in securing this brilliant assemblage, under the patronage and with the aid of the Government of the United States, in which so many Governors of States and Provinces, and representatives of foreign countries have taken such an active part, I cannot suffer the occasion to pass without expressing to you the high appreciation which the members of the Medico-Legal Society feel, at the distinguished honor you have conferred upon Mr. Clark Bell, its President, in the presentation of this splendid silver loving cup, as a memorial and recognition of the distinguished service he has rendered humanity and the race,in organizing this remarkable gathering in our great cosmopolitan city of the North American Continent.

Mr. Clark Bell has well deserved and rightly merited the tribute you have so gracefully presented to him on the evening of the second day of the Congress, on his announcement that the press of his professional and other duties prevents his continuing in the discharge of the duties of the distinguished position he has occupied. To him must be awarded the full credit of not only conceiving the work, but of carrying on the enormous labor of its organization, and achieving the wonderful success that has crowned its labors. A success far beyond his most sanguine expectations.

The Medico-Legal Society regards this movement as in the interest of one of the highest questions of forensic medicine, with which its honored name has been connected for the past quarter of a century; and it appreciates at its full value the compliment extended to its honored President, in this cup, from the medical profession, in the graceful and eloquent language of their admirable representative, Dr. T. M. McIntosh, of Georgia.

My friends, I cannot longer detain you as there are others to follow me. I close with a line from one of our poets. New York offers

A home to the homeless, hope to the depressed,
To the careworn ease, to the stranger rest;
To the wanderer a welcome, to the invalid health,
To the sorrowful, happiness, to the laborer wealth.

By unanimous resolution of the American Congress on Tuberculosis, adopted June 4, 1902, the Executive Committee, the Committee on Audit of Bills and of Censorship of Papers to be published in the Bulletin, were continued and directed to act until their successors were duly named and had assumed the duties of their position.

These Committees are composed as follows:

EXECUTIVE COMMITTEE.

Clark Bell, Esq., of New York, Chairman.
Dr. A. N. Bell, of Brooklyn.
Dr. T. D. Crothers, of Hartford.
Moritz Ellinger, Esq., of New York.
Dr. E. P. Lachapelle, of Montreal, Canada.
Dr. J. C. Shrader, of Iowa City, Iowa.

Dr. Henry B. Baker was a member of this Committee, and resigned after the annual meeting on account of the pressure of his official duties.

COMMITTEE ON AUDIT OF BILLS.

Moritz Ellinger, of New York, Chairman.
Dr. A. N. Bell, of Brooklyn, New York.
Dr. T. D. Crothers, of Hartford, Conn.
Dr. Frank Paschal, of San Antonio, Texas.
Dr. E. J. Barrick, of Toronto, Canada.
Dr. A. N. Bell was elected, vice Dr. Edwin J. Lewis, who declined to accept this position.

COMMITTEE ON CENSORSHIP OF PAPERS.

Clark Bell, Esq., of New York, Chairman; Editor of the Medico-Legal Journal.
Dr. A. N. Bell, of Brooklyn, N. Y., Editor of the Sanitarian.
Dr. T. D. Crothers, of Hartford, Conn., Editor of the Journal of Inebriety.
Dr. Daniel Lewis, of New York, Editor of the Medical Review of Reviews.
On May 27th, 1902, the Executive Committee of the Congress before the session, adopted the following resolution by a quorum of its members:

"Resolved, That a Committee of Censorship on all papers contributed to the Congress be, and hereby is created, to consist of Clark Bell, as chairman; Dr. H. Edwin Lewis of Burlington, Vermont; Dr. T. D. Crothers, of Hartford Connecticut; Dr. Moritz Ellinger, of New York city, and Dr. Daniel Lewis, of New York city, any three of whom shall constitute a quorum; all of whom being editors; which action was approved of by a quorum of said Executive Committee.

The Executive Committee, on the 17th day of May 1902, prior to the annual meeting, took the following action:

At a meeting of the Executive Committee of the American Congress on Tuberculosis, the following action was taken by the Executive Committee, a quorum being present:

AMERICAN CONGRESS ON TUBERCULOSIS.

ACTION OF EXECUTIVE COMMITTEE.

At a meeting of the Executive Committee of the American Congress on Tuberculosis, held at the office of the Chairman of the Committee, at No. 39 Broadway, in the city of New York, on the 17th day of May, 1902, Clark Bell, Esq., chairman in the chair, and Moritz Ellinger, Esq., acting as Secretary, the following action was taken:

The chairman laid before the committee a communication from John Hay, Secretary of State, dated May 13, 1902, advising that it would require $108.15 to defray the expenses of cabling the foreign Governments in Central and South America as per schedule contained in said letter; also the letter of the President, Henry D. Holton, favoring the payment of the same.

It was moved and carried that the treasurer be authorized in his discretion to pay the whole or any part thereof, which was unanimously carried.

It was moved and carried that the treasurer be authorized and empowered to borrow money to defray the necessary expenses of the American Congress on Tuberculosis for postage, clerk hire, stationery, telephone, telegrams and all other obligations and charges which in his judgment were properly within the province of the Executive Committee, and to execute acknowledgements for same.

On motion, it was resolved, that the same provision in all respects for the publication of the Bulletin of the Congress of 1902,

be continued as existed between the Congress and the Medico-Legal Journal for the publication of the Bulletin of 1901, which resolution was adopted.

On motion, it was resolved, that the same terms and conditions between the Medico-Legal Journal and the American Congress on Tuberculosis, and the authors of papers contributing to the Bulletin, be continued for the Bulletin of 1902, as existed for the Bulletin of 1901, and that the same price be charged by the Medico-Legal Journal to the authors of papers, and no more than was provided for in the arrangement for the publication of the Bulletin of 1901, which is intended to be hereby continued, and to provide as far as it is practicable, for the publication of the Bulletin of 1902, which resolution was adopted.

It was on motion, resolved, that a Committee of Censorship on all papers submitted to the Congress, be and is hereby created, to consist of Clark Bell, as chairman; Dr. T. D. Crothers, of Hartford; Dr. H. Edwin Lewis, of Burlington, Vt.; Dr. Moritz Ellinger, of New York, and Dr. Daniel Lewis, of New York City, any three of whom shall compose a quorum, all of whom being Editors, which resolution was adopted.

It was moved and carried that the Executive Committee be, and are hereby empowered to appoint committees of reception and entertainment, dinner committee, committee on badges, committee on press, and such other committees as they shall deem fit and expedient to act in conjunction and co-operation with any committee which may be named by the Medico-Legal Society for the purpose of carrying out the work of the Congress to a successful conclusion, which was carried.

It was moved and carried that the arrangement of the details of the programme for the Congress be placed under the charge of the Secretary, which was carried.

On motion, it was resolved, that the Executive officers be, and they are hereby empowered to make such arrangements for the Chairmanship, and discussion of the four Symposiums, as they shall deem for the best interests of the Congress, which shall be announced in the programme to be finished and furnished, if possible, on the day of the opening of the Congress, which was carried.

Resolved, That the Committee on Badges shall consist of Dr. J. Mount Bleyer, Dr. R. W. Shufeldt, Dr. H. W. Mitchell, with the secretary and president ex-officio, the cost of the badges shall not exceed fifty cents each, to be collected of the members and delegates, except the Honorary Vice-Presidents.

It was resolved that the President, Secretary and any member of the Executive Committee of the American Congress on Tuberculosis be, and hereby are authorized to advance for the uses and purposes of the American Congress on Tuberculosis, any sum or sums needed by the treasurer, and any such sum or sums so advanced by either as an advance, shall be an obligation on the part of the American Congress on Tuberculosis, to be to the person so advancing.

It was moved and seconded and carried, that the foregoing action be sent by the Secretary to the members of the Executive Committee, who were not present at the meeting, for their approval in writing, to the end that the same should have the unanimous approval of all the members of the committee as far as possible.

CLARK BELL, Chairman Ex. Com.
MORITZ ELLINGER, Secretary Ex. Com.

This action was taken by a quorum of the Executive Committee, and was approved by Dr. Henry B. Baker, and Dr. J. C. Shrader afterwards in writing, who were not at the session.

The President of the Society reported that in pursuance of said authorization, a contract had been made between the Medico- Legal Journal and the American Congress on Tuberculosis for the publication of the Bulletin of the Congress of 1902, under the authority and terms of that action, by which authors of papers could have them published in the Bulletin of 1902 at a cost of $1.00 per page of small pica, and $1.50 per page for small type and tables, and have 50 copies of the reprint from the same, as had been done in the Bulletin of the Congress of 1901, which was then present at the Congress and ready for delivery to members of that body.

2. That the arrangements for the meeting of the Congress, and the joint session of the two bodies, and the annual banquet had, with the approval of the executive officers of the American Congress on Tuberculosis, been placed in charge of a committee of one hundred members of the Medico-Legal Society, and other committees named in the published programme, which had been placed in the hands of members.

This action was forwarded to the members of the Executive Committee and approved by Dr. J. C. Shrader, M. D. and Dr. H. B. Baker.

On June 30th, 1902, the Executive Committee met and took the following action, a quorum being present:

AMERICAN CONGRESS ON TUBERCULOSIS.

Office of the Chairman of the Executive Committee.
New York, June 30, 1902.

At a meeting of the Executive Committee held on the 30th day of June, 1902, at the office of Mr. Clark Bell, chairman of the Committee, at No. 39 Broadway, in the City of New York, pursuant to call of the chair to fill the vacancy and elect a Fifth Vice-President of the Congress, and for the transaction of any and all other business deemed necessary, Mr. Clark Bell, the chairman in the chair, and Moritz Ellinger, Esq., acting as Secretary, the following action was taken:

Mr. Clark Bell, the chairman, laid before the committee a letter from the Minister for the Republic of Guatemala at Washington, D. C., in response to his inquiry as to Senor Romola, who had been elected Fifth Vice-President of the Congress, on the report of the Nominating Committee, stating that there was no such person in Guatemala; also that the Consul-General for Guatemala in this city, Senor Joaquin Yela, had stated to Mr. Clark Bell, the chairman, that there was no such person in Guatemala, and a statement from Mr. Clark Bell, the chairman, that no such person was either registered or in attendance at the session, and that to the best of his knowledge and belief, no such person exists, it was on motion

Resolved, That a vacancy exists in the office of the Fifth Vice-President of this Congress.

It was moved and seconded, and carried unanimously, that Mr. Clark Bell be elected Fifth Vice-President of the American Congress on Tuberculosis.

Mr. Clark Bell, the chairman, submitted the following resolution:

That the thanks of the Executive Committee, chairman Mr. Clark Bell, be and he hereby is instructed to tender to the Hon. John Hay, the Secretary of State, the thanks of the American Congress on Tuberculosis, for the kind and sympathetic action of recognition of the Government of the United States of the work of the Congress, and for its favorable and sympathetic action with the foreign Governments, viz: the Dominion of Canada, and the Province of

New Foundland, and with the Government of Mexico and the Central and South American Republics, which was, on motion, unanimously adopted.

It was moved and seconded that Mr. Clark Bell, the chairman of the Executive Committee, be directed and instructed to tender to ex-Surgeon General George M. Sternberg, the thanks of the Congress for his kind and sympathetic action in sending a delegate from the medical department of the Army of the United States to the Congress, and for the loan of the contribution to the Museum of the Congress, from the Army Museum of the United States.

It was resolved that this action be submitted to the members of the Executive Committee not in attendance, for their approval.

CLARK BELL,
Chairman of the Executive Committee.
MORITZ ELLINGER,
Secretary of the Executive Committee.

This action was approved by all the members of the Executive Committee, except two, but none disapproved it, two neglecting to act.

Mr. Bell stated to the Executive Committee that he did not wish to hold this office, and would reserve his decision for the present. That he could not devote much time to its duties. That, as he understood the plan of organization, the Fifth Vice-President would not be ex-officio a member of the council; and, that if his holding the office necessitated active duties on his part, he should resign it. He was opposed to its acceptance, and he urged the names of Judge A. H. Dailey, Dr. T. D. Crothers and Moritz Ellinger, Esq., for the place, but that neither of these gentlemen would consent to serve, and urged it upon Mr. Bell as a duty in their present position, of the affairs of the body.

On a careful study of the situation by the Executive Committee, who had been by resolution of the Congress continued until a new Executive Committee was chosen, had accepted and was organized to act in its place, it was found that the power to fill the vacancies in office was vested in the Executive Committee, and that the vacancies could only be filled by it.

That Committee, ascertaining from the Guatemalian Minister and Consul-General in New York, that no such person existed as Dr. Romola, who had been elected Fifth Vice-President, in Guatemala, proceeded to fill the vacancy in the office of the Fifth Vice-President, and Mr. Clark Bell was elected to that position to fill that vancancy.

The Executive Committee, on whom devolved the duty of filling the vacancies in the Council, decided to defer action until the return of the newly elected President from a trip he had made to Europe, so as to be able to consult him as to the personnel of the gentlemen selected, and Dr. Daniel Lewis was advised of this action and requested to suggest names if he wished to do so, for places on the Council.

On the return of Dr. Lewis he was again notified of the action, and a notice of the same published in the September number of the Medico-Legal Journal. The Executive Committee duly filled the vacancies and appointed the following gentlemen as members of the Council.

Their action was as follows:

THE AMERICAN CONGRESS OF TUBERCULOSIS.

Session of 1902.

Office of the Chairman of the Executive Committee,
39 Broadway, New York.

At a meeting of the Executive Committee of the American Congress on Tuberculosis held at the office of the chairman, No. 39

Broadway, New York city, on October 1st, 1902, at 12 o'clock noon, pursuant to call, the Chairman, Clark Bell, Esq., in the chair, and Moritz Ellinger, Esq., acting as Secretary, and a quorum of the Committee, the following action was taken:

The Chairman laid before the committee a copy of the plan of organization adopted by the Congress on June 3d, 1902, with the amendments adopted by the Congress thereto in brackets, and calling the attention of the Committee to the fact that the Congress had neglected to elect members of the Council provided for in the plan of organization at the annual meeting; and that, until the Council were chosen the work of the body could not proceed under the plan of organization adopted by the Congress, and asked for the pleasure and action of the Committee in the premises.

The following resolution was moved by Moritz Ellinger, Esq.:

Resolved, As the sense of this Committee that under the resolution adopted by the Congress on June 4th, 1902, the power to do and perform all acts and business was vested in the Executive Committee then in office, and existed there until the Council is elected and chosen, and has duly met and organized; and that the exigencies of the case require that the Executive Committee designate the members of the said Council and fill the vacancy now existing therein; which resolution was duly seconded and after discussion, unanimously adopted.

The chairman stated that he had written Dr. Daniel Lewis, the President elected, calling his attention to the situation, and sending him a copy of the plan of organization, and requested him to suggest such names as he desired to be placed upon the Council, for the benefit of the Executive Committee in case he desired to make any suggestions, to which communication the Chairman had received no reply.

That later, learning from the Secretary that Dr. Daniel Lewis had gone abroad,, he caused to be inserted in the Medico-Legal Journal the following announcement, which was read and ordered placed on file, together with a copy of the plan of organization as previously submitted:

That after the return of Dr. Daniel Lewis from Europe the chairman, fearing his former communication might not have reached the President elected, wrote him to the same effect, and that Dr. Daniel Lewis had not suggested any names that he desired to be placed on the Council.

Dr. T. D. Crothers then moved that the Executive Committee proceed to fill said vacancy in the Council, and nominated the following names as members of the Council, viz:

Moritz Ellinger, Esq., of New York; Dr. W. S. Magill, Biologist of Carnegie Laboratory, of New York; Dr. H. M. Bracken, of the State Board of Health of Minneapolis, Minn.; Dr. Henry McHatton, of Macon, Georgia; Prof. M. C. Wilson, of Louisville, Ky.; Sergeon W. C. Braisted, of the U. S. Navy, Brooklyn; Dr. M. M. Smith, of Austin, Texas; Ex-Senator H. D. Winton, of New Jersey; Charles F. Ulrich, of Wheeling, W. Va.

The motion was seconded and unanimously adopted, and on proceeding to ballot for members of the Council, the names placed in nomination by Dr. T. D. Crothers were declared by the Chair to be duly elected by an unanimous vote.

It was moved and seconded that the Chairman of the Committee be instructed to send a copy of the action of the Committee to each person who had been elected, and to ask if they accept the position so that in case of declination the Committee could fill the vacancy, and that the Chairman be further instructed to report the result of the same to the members of the Executive Committee for further action in case of any declination received.

It was moved and carried that the action of the body be signed ed by each member of the Executive Committee, and that a copy of the action be forwarded to the absent members of the Executive Committee for their approval.

Dr. T. D. Crothers, Judge A. H. Dailey and Clark Bell, Esq., who had been members of the Executive Board of the American Congress of Tuberculosis from its organization in 1900, declined to accept the position of members of the Council.

The undersigned Chairman of the Executive Committee formally notified the gentlemen elected as members of the Council, pursuant to the direction of the Committee.

THE AMERICAN CONGRESS OF TUBERCULOSIS.

Session of 1902.

Office of the Chairman of the Executive Committee,
39 Broadway, New York City.
New York, October 20, 1902.

My Dear Colleague.—The Executive Committee have appointed the following gentlemen as members of the Governing Council of nine, the Congress not having filled the offices at the annual Session, and the work of the body being arrested until the Council are named and accept, and the Council as named have organized and assumed the duties of the office. I was instructed by the Committee to advise you of your appointment, and to ask you if you would accept the duties of the office, so that some one else could be selected in case you declined. All the members of the Committee united in this action, except Dr. Lachapelle and Dr. Shrader, who were not present. They have been advised of the action and their approval solicited, but Dr. Lachapelle and Dr. Shrader were absent, and delay has occurred as to their replies, but more than a quorum have accepted it in writing.

Great care was taken in the selection of the Council to name those who would make a representative body and one of exceptional strength.

Dr. T. D. Crothers, Judge A. H. Dailey and myself were urged to go on the Council, but each declined, my own engagements precluding my devoting the time to the work which its importance demands, but with the officers chosen to co-operate with the governing Council, the success of the movement and the fruition of the labor already so auspiciously begun, may be regarded as assured, and it is hoped by the Executive Committee that you will accept the position, and so advise me at an early day.

A copy of the action will be sent to you if you desire. The members of the Council chosen are as follows:

Surgeon W. C. Braisted, U. S. Navy; Moritz Ellinger, Esq., New York; Dr. Henry McHatton, Macon, Ga.; Dr. H. M. Bracken, Minneapolis, Minn.; Dr. W. S. Magill, New York; Dr. M. M. Smith, Austin, Texas; Dr. Charles F. Ulrich, Wheeling, W. Va.; Prof. W. C. Wilson, Louisville, Ky.; Ex-Senator H. D. Winton, New Jersey.

Awaiting an early reply, I remain,

Very faithfully,

CLARK BELL,
Chairman Executive Committee.

The following is a copy of the notice inserted in the Medico-Legal Journal referred to in the action of the Executive Committee.

THE AMERICAN CONGRESS ON TUBERCULOSIS—ELECTION OF GOVERNING COUNCIL.

The Chairman of the Executive Committee of this body, on which will devolve the selection of nine members of the council, (which

with the President, First Vice-President, Secretary and Treasurer, will constitute the governing power of the body), announces that owing to the absence of the President, Dr. Daniel Lewis, in Europe, that Committee prefer to await his return for consultation before making the selections.

The Executive Committee have agreed substantially upon some of the names, but desire that the President might have the opportunity, if willing, to select some of the names for the council.

CLARK BELL,
Chairman Executive Committee and Sec'y of the Congress of 1902.

The gentlemen selected by the Executive Committee were duly notified of the action, pursuant to the resolution. The following gentlemen have accepted:

Dr. Moritz Ellinger, of New York.
Dr. Henry McHatton, of Georgia.
Dr. M. M. Smith, of Texas.
Dr. C. F. Ulrich, of West Virginia.

Dr. H. M. Bracken, of Minnesota, and Dr. W. S. Magill, of the Carnegie Laboratory, decline on the ground that they could not find the time to spare in their positions to attend to the duties. Surgeon Braisted, of the Navy, declines also, and Senator Winton, of New Jersey, and Prof. M. C. Wilson, of Kentucky, are still considering the same.

These vacancies will doubtless soon be filled.

The officers of the American Congress on Tuberculosis are as follows:

AMERICAN CONGRESS ON TUBERCULOSIS.

OFFICERS FOR 1902-3.

HONORARY PRESIDENTS:

A. N. BELL, M. D., Brooklyn, N. Y.
HENRY D. HOLTON, M. D., of Vermont,

PRESIDENT—DANIEL LEWIS, M. D., New York, N. Y.

FIRST VICE-PRESIDENT—J. A. EGAN, M. D., Springfield, Ill.

SECOND VICE-PRESIDENT—FRANK PASCHAL, M. D., San Antonio, Texas.

THIRD VICE-PRESIDENT—E. J. BARRICK, M. D., Toronto, Canada.

FOURTH VICE-PRESIDENT—J. A. WATSON, M. D., Concord, N. H.

FIFTH VICE-PRESIDENT—CLARK BELL, ESQ., LL. D., New York.

VICE PRESIDENTS-AT-LARGE:

HENRY B. BAKER, M. D., Lansing, Mich.
E. J. BARRICK, M. D., Toronto, Ont.
WM. BAYARD, M. D., St. John, N. B.
H. EDWIN LEWIS, M. D., Burlington, Vt.
A. C. BERNAYS, M. D., St. Louis, Mo.
J. MOUNT BLEYER, M. D., New York City.
T. M. MCINTOSH, M. D., Thomasville, Ga.
KARL VON RUCK, M. D., Asheville, N. C.
ALEXANDER MACK M. D., Hawkinsville, Ga.
COL. E. CHANCELLOR, M. D., St. Louis, Mo.
C. K. COLE, M. D., Helena, Mont.
T. D. CROTHERS, M. D., Hartford, Conn.
JUDGE ABRAM H. DAILEY, Brooklyn. N. Y.
HON. MORITZ ELLINGER, New York City.
JUAN A. FORTICH, M. D., Cartagena, Colombia, S. A.
R. F. GRAHAM, M. D., Greely, Colorado.
A. P. GRINNELL, M. D., Burlington, Vt.
CAPT. H. D. SNYDER, M. D., Governor's Island, N. Y.
THOS. BASSETT KEYES, M. D., Chicago, Ill.
FRANK P. NORBURY, M. D., Jacksonville, Ill.
LUIS H. LABAYLE, M, D., Leon. Nicaragua.
E. P. LACHAPELLE, M. D., Montreal, Canada.
LOUIS LEROY, M. D., Nashville, Tenn.
DR. EDOUARD LICEAGA, City of Mexico.
DWIGHT S. MOORE, M. D., Jamestown, N. Dak.
WM. H. MURRAY, M. D., Plainfield, N. J.
EX-SEN. HENRY D. WINTON, Hackensack, N. J.
J. A. MCNEVEN, M. D., Gibbonsville, Idaho.
A. E. OSBORNE, M. D., Eldridge, Cal.
J. C. SHRADER, M. D, Iowa City, Iowa.
J. H. TYNDALE, M. D., Lincoln, Neb.
C. F. ULRICH, M .D., Wheeling, W. Va.
C. S. WARD, M. D., Warren, Ohio.
PROF. S. H. WEEKS, M. D., Portland, Maine.
CRESSY L. WILBUR, M. D., Lansing, Mich.
U. O. B. WINGATE, M. D., Milwaukee, Wis.

SECRETARY:
GEORGE BROWN, M. D., Atlanta, Ga.

TREASURER:
P. H. BRYCE, M. D., Toronto, Ontario.

COUNCIL.

W. C. BRAISTED, M. D., Surgeon U. S. Navy.
H. M. BRACKEN, M. D., Minneapolis, Minn.
MORITZ ELLINGER, Esq., New York City.
CHAS. F. ULRICH, M. D., Wheeling, W. Va.
W. S. MAGILL, M. D., New York City.
HENRY MCHATTON, M. D., Mobile, Ala.
M. M. SMITH, M. D., Austin, Tex.
M. C. WILSON, M. D., Louisville, Ky.
HON. HENRY D. WINTON, Hackensack, N. J.

EX-OFFICIO.

PRESIDENT, FIRST VICE-PRESIDENT, SECRETARY AND TREASURER.

HONORARY VICE-PRESIDENTS.

From the States, Territories and dependencies of the American Union.

Alaska—Hon. John G. Brady, Governor, Sitka.
Arizona—Hon. N. O. Murphy, Governor of the Territory.
Connecticut—Hon. George B. Andrews, ex-Chief Justice Supreme Court, Litchfield.
Georgia—Hon. Governor L. E. Bleckley, ex-Chief Justice, Atlanta.
Hon Allen D. Candler, Governor, Atlanta.
Idaho—Hon. Frank W. Hunt, Governor, Boise City.
Illinois—Hon. Richard Yates, Governor, Springfield.
Iowa—Hon Albert B. Cummins, Governor.
Kansas—Hon. W. E. Stanley, Governor, Topeka.
Kentucky—Hon J. C. W. Beckham, Governor, Frankfort.
Maine—Hon John F. Hill, Governor, Augusta.
Michigan—Hon. Aaron T. Bliss, Governor, Lansing.
Gen. Russell M. Alger, of Detroit, late Secretary of War, United States of America.
Minnesota—Hon. S. R. Van Sant, Governor, St. Paul.
Mississippi—Hon. A. H. Longino, Governor, Jackson.
Missouri—Hon. Alex. M. Dockery, Governor, Jefferson City.
Montana—Hon. John K. Tooley, Governor, Helena.
Nebraska—Hon. E. T. Savage, Governor, Lincoln.
New Hampshire—Hon. C. B. Jordan, Governor, Ludlow.
New Jersey—Hon. Franklin Murphy, Governor, Trenton.
New Mexico—Hon. Miguel A. Otero, Governor, Santa Fe.
North Carolina—Hon. Charles B. Aycock, Governor, Raleigh.
Pennsylvania—Hon. Wm. A. Stone, Governor, Harrisburg.
South Carolina—Hon. M. B. McSweeney, Governor, Columbia.
South Dakota—Hon. Charles N. Herried, Governor, Pierre.
Tennessee—Hon. Benton McMillin, Governor, Nashville.
Texas—Hon. Joseph B. Sayres, Governor, Austin.
Utah—Hon. Heber M. Wells Governor.
Vermont—Hon. William W. Stickney, Governor, Montpelier.
Virginia—Hon. A. J. Montague, Governor, Richmond.
Washington, D. C.—Hon. David J. Brewer, U. S. Supreme Court.
D. E. Salmon, Chief of Bureau of Animal Industry, Department of Agriculture, Washington, D. C.
General Presley M. Rixie, Surgeon General U. S. Navy, Washington, D. C.
West Virginia—Hon. A. B. White, Governor, Charleston.
Wyoming—Hon. Deforest Richards, Governor, Cheyenne.
Cuba—Hon. Leonard Wood, M. D., Military Governor, Havana.

HONORARY VICE-PRESIDENTS.

From the Dominion of Canada.

The Earl of Minto, Governor-General of the Dominion of Canada, Ottawa.
Hon. A. G. Blair, Minister of Railways and Canals, Ottawa.

Hon. William S. Fielding, Minister of Finance, Ottawa.
Dr. F. Montizambert, Director of the Public Health, Ottawa, Canada.
W. C. Edwards M. P., President Canadian Association for the Prevention of Tuberculosis, Ottawa.
Hon. J. R. Stratton, Toronto.

From the Provinces of the Dominion of Canada.

British Columbia, Hon. Henry G. Joly de Lotbiniere, Lieut. Governor, Victoria.
Ontario, Hon. Sir Oliver Mowat, C. C, M. G., Lieut. Governor, Toronto.
New Brunswick—Hon. J. Bunting Snowball, Lt Governor, St. John, N. B.
New Foundland—Hon. Sir Cavendish Boyle, Colonial Governor, K. C. M. G , St. Johns.
North West Territories, Hon. A Forget, Lieut. Governor, Regina.
Nova Scotia, Hon. A. G. Jones, Lieut. Governor, Halifax.
Quebec, Prof. J. G. Adami, McGill University, Montreal.

From Mexico.

Hon. Theodoro A. Dehesa, Governor of Vera Cruz, Jalapa, Mexico.
Dr. Daniel Vergesa Lope, Mexico.

From Central and South America.

Argentine Republic—Dr Emilio, H Coni, Calle Lavalle 859, Buenos Aires.
Brazil—Hon. J. de Assis, Brazillian Minister, Washington, D. C.
Prof. Dr. Nina Rodergies, Bahai.
Costa Rica—Juan J. Ulloa, Consul General, 66 Beaver St., N. Y. City.
Peru—Dr. Manuel Alonzo Calderon, Peruvian Minister; Dr. E. Campodonico, Espaderos 235, Lima.
Republic of San Domingo—Hon. Juan Isidro Jimines, President, Santo Domingo.
Uruguay—Dr. Louis Alberto Herrera, Charge-de-affairs at Washington, D. C.

From Europe.

By reason of the contributions made and forwarded by eminent men from Europe, the following were elected Honorary Vice Presidents of the Congress:
Austria—Prof. Dr. Moritz Benedikt, of Vienna.
Denmark—Prof. Dr. Niles R. Finsen, of Copenhagen.
Silesia—Prof. Dr. Herman Kornfeldt, of Gleiwitz.
Dr Wm. Livet, of Paris, France, was elected Vice President from France; he having enrolled as a member of the Congress and contributed a valuable paper.

VICE-PRESIDENTS.

From the States of the American Union.

Alabama—W. H. Blake, M. D., Sheffield; Dr. R M. Cunningham Ensley; John C. LeGrande, M. D.
Alaska—Dr. A. Eugene Austin, 17 East 66th Street, New York City; Hon. Governor C. D. Rogers, Juneau; Dr. Park Winter Stewart, Nome City.
Arkansas—Judge J. W. House, Little Rock; Dr. H. C. Dunavant, Little Rock.
Arizona—Dr. John R. Walls, Prescott; John C. Herndon, Esq., Attorney-at-Law, Prescott; Dr. Jones Tempe, Prescott.
California—Alfred E. Regensburger, 14 Grant Avenue, San Francisco Hon. A. Reuf, San Francisco; Dr. P. C. Remondino, San Diego.
Colorado—Dr. Charles C. Rice, Pueblo.
Connecticut—Dr. C. S. Lindsley, E. Beecher, Hooker, M. D., Prof. W. H. Brewer, all of New Haven; Hon. James P. Bree, State Senator
Delaware—Dr. W. S. Hancken, Farnhurst.
Florida—J Harris Pierpont, M D., Pensacola; Dr. J. Dewitt Webb; R. D. Murphy, Key West.
Georgia—Hon. T. B. Fetter; Dr. H. McHatton, Macon; Dr. Arthur A. Van Dyke, Atlanta; R. J. Nunn, M. D., Savannah.

Hawaii—W. O. Smith and C. B. Cooper, M. D., of Honolulu; B. D. Bond, Esq , Kohala.

Idaho—Dr. J. B. Morris, Lewiston; Dr. William F. Smith, Mountain Home; Mr. Charles L. Joy, Boise City.

Illinois—Dr. J. B. Walker, Effingham, Ill.; Dr. J. B. Maxwell, Mt. Carmel, Ill.; S. C. Fairbrother, East St. Louis.

Indiana—J. N. Hurty, M. D., Indianapolis; Dr. George T. McCoy, Columbus; Flavius J. Van Vort, Esq., Indianapolis; T. Henry Davis, Richmond.

Iowa—J. J. Gibson, M. D., State Veterinary Surgeon, Denison ; Hon. J. M. Emmert, M. D., State Senator, Atlantic; Dr. A. N. Linn, Presdent State Board of Health, Iowa City.

Kentucky—Prof. Frank C. Wilson, M. D., Louisville.

Louisiana—Dr. Felix Fermente, 135 Esplanade Ave., Prof. Dr. J. B. Elliott, Morris Building, Dr. P. G. Archinard, all of New Orleans.

Maine—Dr. A. G. Young, Augusta ; Dr. Alonzo Garcelon, Lewiston.

Maryland—Dr. Hampson Jones, Dr. William H. Welch, President Board of Health, Baltimore; William Lee Howard, M. D., Baltimore.

Massachusetts—Dr. Henry O. Marcy, Boston ; Dr. J. H. McCullom, South Division Boston City Hospital, of Boston.

Michigan—Hon. Henry A. Heigh, Detroit; John H. Kellogg, M. D., Battle Creek; Clarence A. Lightner, Esq , Detroit.

Minnesota—Dr. H. M. Bracken, Secretary State Board of Health, St. Paul. Dr. H. Longstreet, Taylor, St. Paul.

Missouri—Dr. C. Bark, Dr. Leonidas H. Laidley, both of St. Louis. J. Wood Fassett, M. D., St. Joseph, Mo.

Montana—John C. Clayberg, Esq , Helena; John A. Donovan, M. D., Butte; Donald Campbell, M. D., Butte; Thos. J. Murray, M. D , Butte.

Nebraska—Dr. Wm. O. Bridges, 302 Bee Building, Omaha; Dr. Emmett Giffen, Richards Block, Lincoln; Elmer J. Burkett, Esq., Lincoln.

New Hampshire—Dr. G. P. Conn, Concord; Hon. J. W. Fellows, Manchester; Dr. Irving A. Watson, Concord.

New Jersey—Fred. L. Hoffman, Esq , Newark ; Ex-Senator H. D. Winton, Hackensack.

New Mexico—Dr. Francis Crosson, Albuquerque; L. Bradford Prince, Ex Chief Justice, Santa Fe ; Dr. C. G. Duncan, Socano. Surgeon E. N. Carrington, M. H. S., Fort Stanton, New Mexico, delegate from the Marine Hospital Service, U. S. Government.

New York—Clark Bell, Esq., LL. D., New York City; Dr. Ernst J. Lederle, Ph. D., President of the Board of Health of the City of New York; Dr. John Vanderpoel, 36 West 39th Street, New York City.

North Carolina—Dr. J. W. P. Smithwick, La Grange; Dr. J. L. Nicholson, Richland, N. C.; Dr. William L. Dunn, Asheville.

North Dakota—Dr. Dwight Shumway Moore, Jamestown.

Ohio—Charles O. Probst, M. D., Secretary American Public Health Association, Columbus; Hon. Joseph Outhwaite, President Ohio Society for the Prevention of Tuberculosis, Columbus.

Pennsylvania—Dr. Benjamin Lee, State Board of Health, Philadelphia; Dr. J W. C. O'Neal, Gettysburg; Dr. M. K. Kassabian, Philadelphia.

Rhode Island—Charles V. Chapin, M. D , Providence.
Dr. George F. Keesey, Howard.

South Carolina—George R. Dean, M. D , Spartanburg.

Tennessee—Dr. J. D. Plunkett, Nashville; Prof. Wm. Farr, Nashville.

Texas—M. M. Smith, M. D., Judge Yancy Lewis, both of Austin; Dr. Dr. J. P. Sessions, Rockdale.

Utah—Dr. Martha Hughes Cannon, Salt Lake City; Dr. H. A. Anderson, Salt Lake City; Dr. Geo. W. Baker, Ogden; Col. Willard Young, Salt Lake City.

Vermont—Dr. C. S. Caverly, Rutland; Hon. Fletcher Proctor, Proctor.

Virginia—George Ben Johnson, M. D., Richmond; Dr. W. F. Drewry, Petersburg; Dr. Paulus A. Irving, Richmond.

Washington, D. C.—Dr. Wm. C. Woodward, Health Officer; Surgeon Preston H. Bailhache, U. S M. H., delegate from the U. S. Government; Surgeon W. C. Braisted, U. S. Navy, delegate from the U. S. Government; Captain Henry D. Snyder, M. D., U. S. Army, delegate from the U. S. Government to the Congress, Washington, D. C.

Washington—Sofus B. Nelson, Veterinarian, Washington Agricultural Experiment Station, Pullman; Hon. I. M. Byrne, Mayor of Spokane; Dr. Parke Winke, Seattle.

West Virginia—Wm. W. Golden, Elkins, Secretary Medical Society of the State of West Virginia; T. L. Barber, M. D., Charleston; I. N. Houston, M. D., Mountsville.

Wisconsin—Hon. Alvin C. Brager, Milwaukee; Dr. G. A. Richie, 788 College Avenue, Appleton; Dr. Moses J. White, Milwaukee.

Wyoming—John W. Lacey, Esq., Cheyenne; Dr. R. Harvey Reed, Rock Spring; Dr. G. G. Verbryck, Cambria.

Cuba—Dr. F. F. Falco, Editor *Cultura Latina*, Havana; Hon. Urbano Sanchez Hechevarria, Chief Justice Supreme Court, Santiago de Cuba.

Porto Rico—William Fassett Smith, M. D., Secretary Superior of Board of Health, San Juan; Dr. P. J. Salicrup, Ponce.

From the Canadian Provinces.

British Columbia—C. J. Fagan, M. D., Secretary Provincial Board of Health, Victoria.

New Brunswick—Charles J. Coster, M. D., St. John; Dr. Peter Robinson Inches, St. John.

Ontario—Peter H. Bryce, Secretary State Board of Health, Toronto; Dr. Wm. Oldright, delegate from the Government of Ontario, Toronto.

Prince Edward Island—Dr. Robert McNeill, Charlottetown.

Quebec—Dr. Wyatt Johnson, Dr. E. P. Benoit, Dr. J. B. McConnell, all of Montreal.

From Central and South America.

Argentine Republic—Dr. Samuel Gache, 129 Calle Corrientes, Buenos Aires; Dr. Francisco de Veyga, Calle Lavalle 859, Buenos Aires; Dr. Ernesto Quesada, Buenos Aires.

Bolivia—Signor Ignacio Calderon, La Paz; Hon. R. D. Barber, U. S. Legation, La Paz.

Brazil—Dr. Joas Mattheas, Professor of Hygiene, Bahia; Dr. Pedro E. de Cerquira, Lima, Bahia; Dr. Joaquin Pires Muniz de Carovalho, Advocate, Bahia.

Guatemala—Senor Rafael Montufar, City of Guatemala.

Hayti—Gen. J. A. Bordes, Jeremie; Dr. Borno, Port-au-Prince, Dr. John B. Terres, Port-au-Prince.

Mexico - State of Xalapa—Dr. Enrigne Herrera, Xalapa.
Dr. Lewis Espanosa, "
Dr. Sebastian Canovas, "

Peru—Dr. Manuel Barrios, M. D., Bahia; Don Pedro Gallagher, President Public Beneficent Society, Lima.

San Domingo—Alexander Wos y Gil, ex-Charge d'Affairs, Santo Domingo; Dr. Lyon, Santo Domingo; Dr. Henriques y Carvagal, Santo Domingo.

From Central and South American Governments.

Guatemala—Dr. Joaquin Yela, Consul General at New York.
Costa Rica—Juan J. Ulloa, Consul General at New York.
Uruguay—Dr. Louis A. Herrera, Legation of Uruguay, Washington, D C.
Hayti—Louis J. Nicholas, Consul General at New York City.
Mexico—Dr. D. V. Lope, Mexico.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

Presidency of CLARK BELL, ESQ.,

JUNE SESSION—JUNE 2, 3 and 4, 1902.

The Society met in joint session with the American Congress on Tuberculosis, Clark Bell, Esq., President, in the chair at each session, commencing June 2, 1902, at 10 A. M., holding morning sessions at 10 A. M; afternoon sessions at 2 P. M. each day for the 2, 3, 4, June, and on the evening of the 3rd at the Banquet at the Hotel Majestic, in the City of New York, Dr. Henry D. Holton as President of the American Congress of Tuberculosis. Both Chairmen were supported at each session by distinguished gentlemen, as assistants, who also occupied the chair.

The minutes of the proceedings of the joint session will be given at length and detail in the transactions of the American Congress on Tuberculosis and in its Bulletin,—as well as of the annual banquet on the evening of the 3rd of June, which was attended by one hundred persons.

A loving cup was presented to Clark Bell, Esq., the President of the Medico-Legal Society, by the medical profession, for his distinguished services as Secretary and Treasurer of the American Congress on Tuberculosis, at the Banquet on the evening of the 3rd of June, of which an account will be given in the transactions of that Congress and in its Bulletin.

On the morning of June 4th, 1902, after the joint session had taken a recess until 2 o'clock P. M., the Medico-Legal Society was called to order and held a monthly meeting, with Clark Bell, Esq., President, in the chair, Samuel Bell Thomas, Secretary, and a large attendance.

The chair related the great and successful labors of the Congress and laid before the body:

First. Its action, by the adoption of the following resolutions on the report of a select committee composed as follows:

Dr. George Brown, of Georgia; Dr. J. H. Tyndale, of Nebraska; Dr. C. O. Probst, of Ohio; Dr. U. S. Wright, of Missouri; Senator H. D. Winton, of New Jersey; Dr. J. L. Nicholson, of North Carolina; Dr. T. D. Crothers, of Connecticut; Dr. W. H. Haucken, of Delaware; Dr. M. K. Kassabian, Pennsylvania.

Resolved, That besides the Executive Committee, the following Standing Committees be created to take charge of the several subjects and to report at the next annual meeting:

(a) Committee on Preventive Legislation.

(b) Committee on the Pathology and Bacteriology of Tuberculosis
(c) The Veterinary Aspects of Tuberculosis.
(d) Sanitoria.
(e) Climatology.
(f) Light and Electricity.
(g) The Surgery of Tuberculosis.
(h) Resolutions.
(i) Ways and Means.
(k) On Acceptance, Censorship and Revision of Contributions for Publication, and on Publication.
(l) On the Press.

Respectfully submitted,

George Brown, Chairman; J. H. Tyndale, Nebraska; T. Henry Davis, Indiana; C. O. Probst, Ohio; U. S. Wright, Fayette, Mo.; O. B. Douglas, Concord, N. H.; T. D. Crothers, Connecticut; J. L. Nicholson, North Carolina.

Second. Completion of the programme in joint session with the Medico-Legal Society, down to this hour as announced.
Third. Resolutions it had adopted.

RESOLUTIONS.

The following resolutions were adopted at the recent session of the American Congress on Tuberculosis, and were furnished to the Lay and Medical Press by the Secretary:

1. Resolution offered by Dr. E. J. Barrick, of Toronto:

That, it is the duty of every Government, Municipality and individual citizen to adopt organized methods for lessening the spread of a disease which is causing directly or indirectly, probably one-fifth of the total deaths in almost every country in the world.

2. Resolutions submitted by Dr. Oldright, of Canada:

That, whereas, in the lists of deaths from tuberculosis classified according to occupations published in the statistical report of the United States and Canada, female teachers hold a very prominent position, this Congress would draw attention to the fact that the average amount of air space, in schools is less than half that recommended by sanitarians all over the world, and would further urge upon the authorities their bounden duty of providing more accommodation and better ventilation.

3. Resolution reported from the Committee on Resolutions and unanimously adopted:

Whereas, Tuberculosis is an infectious disease, ordinarily communicated from person to person by means of dried sputum of a consumptive patient, and

Whereas, The spread of Tuberculosis could be largely controlled by proper care of such sputum and the enforcement of comparatively simple measures; therefore, be it

Resolved, By the American Congress on Tuberculosis that the Health authorities be urged to disseminate to the widest extent possible, through the public press and otherwise, correct information as to the manner in which this disease is produced, and the means to be employed for its prevention.

Resolved, That we believe it to be the duty of the National, State and Municipal Governments to enact rational methods for the institutions for the care of indigent consumptives.

Resolved, That there should be State and Municipal supervision of all public conveyances used for the transportation of passengers; and in view of the fact that spitting on the floors of public conveyances, favors the spread of Tuberculosis and is injurious to the public health, it is recommended that transportation companies be induced to pass and enforce rules against this act.

Resolved, That appropriations should be requested from State and Municipal Governments for the publication and distribution of literature as a means of education in the prevention of the spread of tuberculosis.

Resolved, That all cases of Tuberculosis should be reported by the attending physician to the Health Boards for purpose of disinfection of houses occupied by consumptives.

.4 Resolution offered by Clark Bell, Esq., and submitted by the Committee on Resolution:

Resolved, That the American Congress of Tuberculosis, now in session, desires to congratulate the people of England, the British nation, and His Majesty, King Edward VII, on the conclusion of the war pending between His Majesty's Government and the Boers; and we hail with great pleasure the announcement of the restoration of peace, and the cessation of further hostilities, as a result that the whole world will hail with great satisfaction.

AMERICAN CONGRESS ON TUBERCULOSIS—PLAN OF ORGANIZATION.

The following is the plan of organization adopted by the Congress on the second day of its session.

The clauses printed in brackets were amendments, unanimously adopted by the Congress on motion of Mr. Clark Bell, the Secretary, after debate, which amendments to the original report of the Committee were accepted by Dr. T. Crothers, the chairman of the Committee on Organization, who had been named at the Congress of 1901 to report at this Congress:

OFFICERS.

There may be several Honorary Presidents including the Governor of the State where the Convention is held, the Mayor of the town, and any foreign dignitary who would give strength to the organization by his name.

The President of the United States may be included.

ACTIVE OFFICERS.

A President, Secretary, Treasurer and five Vice-Presidents; also a Council of nine members, of which the President and First Vice-President [Secretary and Treasurer], also the Ex-Presidents are members ex-officio.

COMMITTEES.

A committee appointed by the President from the Council to have charge of the finances, audit all bills, and regulate the taxes [or dues] to be laid on the members. This committee shall consist of five members who shall audit all bills and sign all orders on the Treasurer, and such other business of the Association as pertains to the business of the Association.

The duties of the Secretary and Treasurer will be the same as that of other societies.

Second. The Committee on Publication shall consist of five members appointed by the Council, with the President and Vice-President ex-officio members.

All papers to be presented or read at the meeting must be sent to the Publication Committee either in full or in abstract, at least four weeks before the meeting. They will have charge of the papers that are read and their final disposition as to publication.

Third. The Committee on Transportation, consisting of five members appointed by the Council, have charge of all enrolments, place of meeting, banquets, excursions, museum and hall.

Fourth. The Committee on Invitation, consisting of five members, with President and Vice-President exofficio, shall send out all invitations and make all arrangements for the papers and lectures of the meeting.

All resolutions shall be referred to the Council without discussion, to be reported on later in the session at their option to the Congress, with such recommendations as they may deem best.

A business meeting of the Council including the officers, enrolled members and delegates who have a right to vote, to be held the first evening of the Session.

A Nominating Committee shall consist of one delegate from each State and Province and country represented; also from the United States Army and Navy, and also from the Marine Hospital Service.

This committee to be appointed by the President on the first day of the Congress.

Delegates are to be received from all reputable medical societies, from the Army and Navy and Marine Hospital service, and persons appointed by the Governors of different countries and States, Provinces and all societies for the prevention of tuberculosis [and other legal societies and scientific bodies.]

All By-Laws and regulations to be the same as that which govern other bodies.

T. D. CROTHERS, M. D.,
C. O. PROBST, M. D.,
T. HENRY DAVIS, M. D.,
MORITZ ELLINGER, M. D.

The reading of the minutes of the last meeting, preceding the June meeting, were on motion duly approved.

The following were duly elected members of the Medico-Legal Society on recommendation of the Executive Committee:

Mack, Alexander, M. D., Hawkinsville, Ga.
McIntosh, Dr. T. M., Thomasville, Ga.
Nicholson, Dr. J. L., Richlands, N. C.
Norbury, Frank Parsons, M. D., Jacksonville, Ill.
Paschal, Frank, M. D., San Antonio, Texas.
Probst Charles O., M. D., Columbus, Ohio.
Watson, Irving A., M. D., Concord, N. H.
Wright, U. S., M. D., Fayette, Mo.

The meeting of the Society was on motion ordered to be adjourned to the third Wednesday of October, 1902. The Society adjourned.

CLARK BELL, President.
SAMUEL BELL THOMAS, Secretary.

A. A. JAKOBI, Ass't Secretary.

MEDICO-LEGAL SOCIETY.

OCTOBER SESSION, 1902.

The Society met at dinner on October 18th, 1902, at the New York Press Club, 116 Nassau street, New York City, the President, Clark Bell, Esq., in the chair, and in the absence of the Secretary, J. R. Abarbanell, Esq., was chosen secretary pro tem. The minutes of the June session was read and approved after dinner.

The following names were, on recommendation of the Executive Committee, duly elected members of the Society: Reeves A. Silk, Esq., 235 Broadway, New York City; John J. Huyler, M. D., Middletown, New York.

The paper by Dr. John A. Donovan, Vice-President of the American Congress on Tuberculosis, was ordered to be laid over until the November meeting.

A paper by Clark Bell, Esq., entitled "The History of the Supreme Court in New York as a Colony Under the Dutch," was presented and read by title at author's request.

A paper was read by Paul Tyner, Esq., entitled "Anarchism and Atavism."

It was discussed informally by J. R. Abarbanell and by the chair, and on the suggestion of the chair it was ordered printed with the Journal, and copies of it sent to selected names for the purpose of obtaining replies, to be read before the Society and published in the transactions.

A paper by Dr. Charles H. Shepard, of Brooklyn, N Y., entitled "The Value of the Turkish Bath in Cases of Tuberculosis," contributed to the American Congress on Tuberculosis, was read by title and ordered published in the Bulletin, with the approval of the author and the Committee on Censorship.

The memorial action on the death of Prof. R. Virchow, Hon. Luther R. Marsh, honorary members, and on Dr. Selden H. Talcott, Wyatt Johnson and others, was taken up.

The President spoke of the death of Prof. Virchow as a loss to the world of science, and a memorial by Dr. Alexander Wilder was presented and ordered printed.

RUDOLF VIRCHOW.

BY ALEXANDER WILDER, M. D., OF NEWARK, N. J.

The death of Rudolf Virchow has taken from our ranks one of the most distinguished men of later times. He can be described in terms like those employed by Sandel in his eulogy of Emanuel Swedenborg, as a man, who in his attainments, embodied the knowledge of a whole academy in his own personality. He mastered the learning of the former years of the Nineteenth Century, and then adding to it his own vast contributions, completely revolutionized the current opinions of his time. In a period which had produced a Hunter and Humboldt, and such men as Bicha't, John Hughes Bennett, Sir Charles Bell, Marshall Hall and Karl Rokitansky, it was no small achievement to equal them.

Virchow produced the theory of cell-growth, and thereby enabled the really scientific among medical men to form more rational and intelligent views of pathology, and proper methods for the treating of the disease. He thus made whole libraries of books on biology, physiology and pathologic science obsolete.

It is not the purpose, however, to give any complete catalogue of his works. They embrace in their scope the several departments of Medicine, Physiology, Pathology and Ethnology. There were treatises on Life and Disease, Nourishment and Health, Pathologic Anatomy, Clinical Medicine, Cellular Pathology, Morbid Tumors, Phlebitis, Thrombosis, Embolism, Leukocaemia, Typhus, Public Medicine and Epidemiology—also on Goethe the Naturalist, Tombs and Skulls Found in Ancient Troy, The Education of Women.

Yet the career of Virchow was far from being solely that of a recluse student, and the professor in the class-room and laboratory. He was a many-sided man. He took a deep interest in whatever concerned the welfare and advancement of the people. To arbitrary power he was an irreconcilable adversary, never submitting voluntarily or consenting to a compromise.

A sketch of his personal history will enable a more accurate conception of his character.

Rudolf Virchow was born at Schivelbein, in Pomerania, October 19, 1821. After receiving the usual preliminary instruction in his native country, he engaged in the study of medicine, and received his degree at Berlin in 1843. He was a disciple of Johannes Muller, the celebrated physiologist, and a warm supporter of his views. In 1847 he was appointed a professor in the University of Berlin, and soon began to manifest his peculiar ability. An epidemic of typhus fever breaking out in Silesia, he was sent by the Prussian Government to investigate the causes and employ proper measures for its abating. His success in this mission assured his professional reputation. He founded the Archives of Pathologic Anatomy and Clinic Medicine, and established a journal, "The Medical Reformer," to explain his doctrines.

In Germany, men of science are accustomed to take part in politics, and often hold public office. The sentiment is different from what we often find in America, where scientists are too much a class apart. Virchow was as active in politics as in professional pursuits. He took part in organizing the Democratic Club in Berlin, and was conspicuous as a speaker at its meetings. He was elected to the National Assembly of Prussia, but being under the legal age, did not take his seat. His vehement utterances attracted the notice of the authorities: the "Medical Reformer" was suppressed, and Virchow removed from his professorship in the University.

By no means, however, did proscription drive him into obscurity, or lead him to abate the violence of his denunciations. In 1849, in the very midst of the political revolutions which were agitating Europe, he was appointed to the professorship of Pathologic Anatomy at Wurzburg, in Bavaria, and soon became known as one of the conspicuous luminaries of the "Wurzburg School." In 1856 he returned to Berlin, having been re-instated in his former position in the University. He engaged in scientific researches with renewed energy, and published his discoveries in cellular pathology, with which his name and reputation are now distinctively connected.

He likewise continued in politics. In 1859 he was elected to the Municipal Council of Berlin, and in 1862 he became a member of the Prussian House of Deputies. Here for sixteen years he was the recognized leader of the Liberal party. He resisted the attempts of the reactionary Church to acquire political power, and his admirers credit him with having originated the term "Kulturkampf," to signify that contest. He was distinguished for his extreme radicalism of sentiment, and for his incessant vigilance in regard to projected encroachments upon liberty and endeavors to enlarge the powers of the throne. For a time, however, he co-operated with Bismarck, till the Chancellor changed his notion on the religious question. He from that time never relented in his opposition.

He was able, in 1863, to procure the adoption of an Address which arraigned the Ministry as violators of the Constitution; and in 1865 he successfully resisted the project to

create a navy. As from the beginning, he had been the unyielding adversary of Bismarck, he, on this occasion, denounced him without sparing. The great Minister was enraged beyond endurance and challenged him to a duel.

The year 1866 was memorable in the history of Germany. The Bund of States was dissolved; the war between Prussia and Austria followed, and the forming of the new Confederation of North Germany with Prussia at the head. During these events the prestige of the Liberal party declined. The Great Commoner of Prussia, was, however, no less watchful. He was always foremost in conflict, and opposed the attempts at centralization with unabated energy. In 1869 he submitted his famous resolution to the Landtag for international disarming, but received only ninety votes. He renewed his opposition to Bismarck and his projects without relaxation, till the fall of that statesman.

In 1883 he yielded the leadership of the Liberal party to Eugene Richter, and from 1880 to 1883 served as a member of the Reichstag.

His distinction as a man of science was now universally acknowledged. He was elected to numerous learned bodies in other countries, and among them was an Honorary Member of this Medico-Legal Society. He had been extensively honored in this way in France, and in 1872, during the Franco-German War, was urged, as a measure of patriotism, to resign his various memberships in that country. He only replied that to do so would be an act opposed to the interests of science and civilization.

While thus cosmopolitan in his devotion to learning, Virchow was also attentive to its promotion at home. He was instrumental in the establishing of the German Society of Anthropology, and a liberal contributor. He also founded Virchow Institute as his own memorial.

In 1888, Frederick, better known in Germany as "Unser Fritz," became Emperor. He was ill at the time with an incurable disease, and Virchow was invited to the consultations with Sir Morell Mackenzie, and the other professional men in attendance.

In 1890 the International Medical Congress was held at Berlin, and he presided at its sessions. All united to do him honor. Former animosities had died away.

Virchow celebrated his eightieth birthday at Berlin on the 21st of October last. He received attentions on that occasion of the most gratifying character. Scientists came in large companies to congratulate him that his years of usefulness were still continued. A delegations of Americans waited upon him, and he promised in his acknowledgements, that he would return their visit on his ninetieth anniversary.

The medical men of Germany were not behind in their demonstrations. They presented him with a contribution of fifty thousand marks to be added to the endowment of the Virchow Institute.

Even Emperor William paid him distinguished honors. He sent him the Great Gold Medal of Science. It had not been conferred upon any member of the Faculties of Law or Medicine, and only upon three members of the Faculty of Philosophy. Professor Mommsen, upon the occasion of its presentation, addressed him:

"You have broken new ground and laid fresh foundations for medical science. Your name it written boldly upon the tablets of History, and is honored far beyond the borders of the Fatherland."

The career of Virchow was now drawing to its close. In the month of August last, he was prostrated by illness. He lingered while his friends and admirers in both hemispheres awaited the event. On the 5th of September, the electric cable flashed the news across the Atlantic: "The sun of his life on earth has set."

Few words need be spoken in his praise. Exalted in his devotion to knowledge, he loved his fellow-beings. He hated injustice; all his life he contended against tyranny and oppression. Class legislation, even in the behoof of his own profession, he opposed and abhorred. He even over-stepped the cordon of artificial ethics in his love for fairness. Such men are the demi-gods of the earth. For such the world exists; they uphold it and make it fit to live in. They give credit and honor to everything of which they take hold.

Mr. Clark Bell, President of the Medico-Legal Society, said, in speaking of Prof. Rudolf Virchow, and the admirable memorial Dr. Alexander Wilder had presented in honor and memory of our late honorary member:

That the life and career of Virchow illustrated with profound significance, the universality of genius and science. That Vir-

chow's name and labors, and genius belonged to no nationality, but to the higher and nobler realm—the world of genius and the world of science.

His life will be monumental, and his fame will be inscribed in ineffacable letters upon the greater Alps in the world of science.

His labors were for mankind, for the race. That he was of German birth and origin, indicates only by which portal he ascended into the Temple of Fame, which registers those immortal names among his associates of all creeds, languages and nationalities, that science, as a presiding genius, has emblazoned on her roll of honor, not only for the 19th Century, but for all recorded time.

His advance in pathological studies, and his superb teachings as to post mortem examination alone entitled him to honorary membership in the Medico-Legal Society.

It was a flash-light from his genius that illumined the minds of pathological students of the world.

I first met him in Paris, at the International Medical Congress of 1900, and I listened to the address he made upon the invitation of that body. He was as modest and unassuming as he was great.

He was then the self-crowned king and emperor of the world of science at the close of the 19th Century, by the grandeur and fullness of his useful and splendid life.

Among all the numerous scientific men of all nationalities who there assembled in that domain of science, to which his labors had been devoted, he was the foremost and most brilliant and lustrous figure, and by universal acclaim, the highest place in that illustrious assemblage was bestowed on Virchow.

In his dead hand, the sceptre of the highest authority in that great Republic of the world of intellect and of science, he held it as chief ruler and president, by the general judgment of his conferees in all lands, and at his passing that baton, which he held for the 19th century, as a badge, is now bequeathed as a legacy to the new century.

Who is to take it up in the 20th Century by such an unanimous voice, as Virchow held it when he passed into the infinite?

The President spoke with deep and tender feeling, and with great emotion of Hon. Luther R. Marsh, Selden H. Talcott and Wyatt Johnson. He submitted the tributes he had published of them in the September number of the Medico-Legal Journal.

The report of the committee on the death of Dr. Irving C. Rosse, of Washington District of Columbia, was laid before the Society, prepared by Dr. R. W. Shufeldt. The report was received and ordered on file. It was considered too long for publication in extenso in the Journal, but the Editor was authorized to print extracts from it, if space in the Journal permitted.

The Society adjourned.

CLARK BELL, President.

J. R. Abarbanell, Acting Secretary.

The President reported the action of the Executive Committee of the American Congress on Tuberculosis, regarding the action of the Executive Committee as to the Committee on Censorship of papers for the Congress of 1902, held May 27th, 1902, which had been submitted to that Congress and approved.

AMERICAN CONGRESS ON TUBERCULOSIS.

New York, May 27, 1902.

At a meeting of the Executive Committee of the American Congress on Tuberculosis held at the office of the Chairman of the Committee, at No. 39 Broadway, in the City of New York, on the 17th day of May, 1902, Clark Bell, Esq., chairman in the chair, and Moritz Ellinger, Esq., acting as Secretary, the following action was taken:

"Resolved, That a Committee of Censorship on all papers submitted to the Congress be, and is hereby created, to consist of Clark Bell, as chairman; Dr. T. D. Crothers, of Hartford, Conn.; Dr. H. Edwin Lewis, of Burlington, Vt.; Dr. Moritz Ellinger, of New York, and Dr. Daniel Lewis, of New York City, any three of whom shall constitute a quorum, all of whom being Editors," which action was approved of by a quorum of said Executive Committee.

NOTE—Dr. H. Edwin Lewis declined to act on the Committee, and the Executive Committee elected Dr. A. N. Bell, Editor of the Sanitarium, in his place.

NOVEMBER MEETING, 1902.

The Society met at Dinner at the Hotel Montauk, on Wednesday, November 19th, at 7 P. M., with a large attendance.

The dinner was admirably served, and was highly praised by members and guests.

After the cloth was removed the Society was called to order, the President, Clark Bell, Esq., in the chair, and Samuel Bell Thomas, Esq., Secretary.

The minutes of the June and October meetings were duly approved.

On the report of the Executive Committee, Dr. William Wesley Carter, of 51 West 5th Street, New York City, proposed by Clark Bell, Esq., and Kate Lowber, of 2906 Broadway, New York City, were elected to active membership.

The following officers for the ensuing year were placed in nomination by unanimous action, to be voted for at the election at the December meeting:

MEDICO-LEGAL SOCIETY.

OFFICERS FOR 1903.

President,

CLARK BELL, Esq., of New York.

1st Vice-President,

A. P. GRINNELL, M. D., Burlington, Vt.

2nd Vice-President,

T. D. CROTHERS, M. D., of Conn.

Vice-Presidents for the States, Territories and Provinces.

Alabama—Judge Thos. W. Coleman, Montgomery.
Alaska—Clarence Thwing, M. D., Sitka.
Arizona—D. M. Purman, M. D., Phoenix.
Arkansas—H. C. Dunavant, M. D., Osceola.
Austria—Prof. R. Krafft-Ebing, Vienna.
Belgium—Dr. Jules Morel, Mons.
Brazil—Prof. Nina Rodrigues, M. D., Bahia.
British Honduras—Ada M Chevaillier M.D., Balize
California—A. E. Osborne, M. D., Glen Ellen.
Colorado—Prof. J. T. Eskridge, M. D., Denver.
Connecticut—Judge A. M. Tallmadge, Bridgeport.
China—Harold Browett, Esq., Shanghai.
Cuba—Chief Justice Hechavarria, of Santiago.
Dakota, N.—Dr. Dwight S. Moore, Jamestown.
Dakota, S.—John M. Harcourt, Steele.
Delaware—Judge Ignatius C. Grubb, Wilm'gt'n.
Denmark—Prof. Godeken, Copenhagen.
District of Columbia—W. C. Woodward, M. D., Washington, D. C.
Dom of Canada—Hon. A. G. Blair, Ottawa.
England—Dr. Fletcher Beach, London.
Ecuador—Senor J. M. P. Caamano, Wash. D. C.
Florida—Dr. Dewitt Webb, Saint Augustine.
France—Victor Parent, M. D., Toulouse.
Georgia—Richard J. Nunn, M. D., Savannah.
Germany—Dr. H. Laehr, Berlin.
Guatemala—Senor Rafael Montufar.
Hawaii—J. W. Waughop M. D., Kalia Kanai.
Hayti.—Genl. J. A. Bordes, Jeremie.
Holland—Dr. P. A. H. Sueens, Vucht.
Hungary—Staatsanwalt Em. V. Havas, Buda Pesth
Illinois—J. E. Owens, M. D., Chicago.
India—P. S. Sivaswamy Aiyar, Madras.
Indiana—W. B. Fletcher, M. D., Indianapolis.
Indian Territory—I. H. Bailey, M. D., Dexter.
Iowa—Jennie McCowen, M. D., Davenport
Ireland—Conolly Norman, M. D., Dublin.
Italy—Enrico Ferri, M. D., Rome.
Japan—Dr. J. Hashimoto, Tokio.
Kansas—Dr. C. F. Leslie Clyde.
Kentucky—F. H. Clark, M. D., Lexington.
Louisiana—J. J. Scott, M. D., Shreveport.
Maine—Judge L. A. Emery, Ellsworth.
Manitoba—D. Young, M. D., Selkirk.
Maryland—Wm. Lee Howard, M. D., Baltimore.
Massachusetts—Theo. H. Tyndale, Boston.
Mexico—Leon Lewis, M. D., Ozuluama.
Michigan—Clarence A. Lightner, Detroit.
Minnesota—C. K. Bartlett, M. D., Minneapolis.
Missouri—W. B. Outten, M. D., St. Louis.
Montana—C. K. Cole, M. D., Helena.
Nebraska—Hon. John M. Thurston, Omaha.
Nevada—S. M. Bishop, M. D., Reno.
New Brunswick—Dr. Wm. Bayard, St. John.
Newfoundland—Dr. K. D. McKenzie, St. Johns.
New Hampshire—Gran. P. Conn, M.D., Concord.
New Jersey—Judge C. G. Garrison, Camden.
New Mexico—Gov. Bradford L. Prince, Santa Fe.
New South Wales—George A. Tucker, M. D.
New York—Mrs. M. Louise Thomas, N. Y. City.
New Zealand—Prof. Frank G. Ogston, Dunedin.
North Carolina—E. C. Smith, Esq., Raleigh.
Norway—Dr. Harold Smedal, Christiana.
Nova Scotia—Hon. Wm. S. Fielding, Ottawa.
Ohio—Judge H. C. White. Cleveland.
Oklahoma Ter.—A. H. Simonton, M. D., Okla. Cy.
Ontario—Daniel Clark, M. D., Toronto.
Oregon—Ex-Chief Just. Hon. Wm. P. Lord, Salem.
Pennsylvania—Geo. B. Miller, M. D., of Phila.
Peru—Senor F. C. C. Zegarro, Washington, D. C.
Portugal—Bettincourt Rodriguez, M. D., Lisbon.
Quebec—Prof. Albert Marois, M. D., Quebec.
Rhode Island—Judge P. E. Tillinghast, Provid'e
Russia—Prof. Dr. Mierzejewski, St. Petersburgh.
San Domingo—A. Wei Yos Gil, San Domingo.
Saxony—Judge de Alinge, Oberkotzon Hof.
Scotland—W. W. Ireland, Edinburgh.
Servia—Hon. Paul Savitch, Belgrade.
Sicily—Prof. Dr. Fernando Puglia, Messina.
Silesia—H. Kornfeld, M. D., Gleiwitz.
South Carolina—S. W. Babcock, M. D., Columbia.
Spain—Sig. A. M. Alv. Taladriz, M.D., Valladolid.
Sweden—Prof. Dr. A. Winroth, Lund.
Switzerland—Prof. Dr. L. Wille, Basle.
Tennessee—Michael Campbell, M. D., Nashville.
Texas—Dr. D. R. Wallace, Terrell.
Tonga—Dr. Donald McClennen, Tonga.
Utah—Frederick Clifft, M. D., St. George.
Vermont—Henry D. Holton, M. D., Brattleboro.
Virginia—William F. Drewry, Petersburg.
Washington—Jas. C. Waugh, M. D., Mt. Vernon.
West Virginia—F. M. Hood, M. D., Weston.
Wisconsin—Dr. U. O. B. Wingate, Milwaukee.
Wyoming—R. Harvey Reed, M. D., Rock Springs

Secretary,

SAMUEL B. THOMAS, Esq., of N. Y. City.

Corresponding Secretary,

MORITZ ELLINGER, Esq., of N. Y. City.

Assistant Secretary,

A. A. JAKOBI, of N. Y. City.

Pathologist,

WM. S. MAGILL, M. D., N. Y. City.

Treasurer,

CAROLINE J. TAYLOR Bridgeport, Conn.

Chemist,

PROF. C. A. DOREMUS, M. D. N. Y. City.

Curator,

J. MOUNT BLEYER, M. D., New York.

Toxicologist,

PROF. W. B. McVEY, of Boston.

Librarian,

FRED. L. HOFFMAN, Esq., of N. J.

Assistant Librarian,

THOS. G. FROST, Esq., of N. Y.

Bacteriologist,

G. BETTINI DI MOISE, M. D., of N. Y.

Microscopist,

DR. GEO. B. MILLER, of Philadelph'a

TRUSTEES:

Legal,

J. R. ABARBANELL, Esq., of New York

Medical,

ISAAC N. LOVE, M. D., of N. Y. City.

COUNSELLORS,

For 3 years.

Legal.

HENRY WOLLMAN, Esq., of N. Y. City.

Medical.

M. MARKIEWICZ, M. D., of N. Y. City

PERMANENT COMMISSION:

For 3 years.

Legal,

CLARK BELL, Esq., of New York.

Medical.

GEO. L. PORTER, M. D., of Bridgeport, Conn.

The order of the evening was then taken up.

A paper by Dr. Jno. A. Donovan, of Butte, Montana, entitled "Treatment of Tuberculosis by Nebulization;" contributed to the American Congress on Tuberculosis, but not read there, was read by Samuel Bell Thomas, Esq., and was ordered printed in the December number of the Journal, and in the Bulletin of the Congress.

Clark Bell, Esq., spoke on "The Repeal of the Lunacy Legislation induced by Governor Odell in the State of New York."

Mr. Bell's remarks and the subject was discussed by Walter Scott, Esq., of New York; Judge Abram H. Dailey, of Brooklyn; Hon. Jacob F. Miller, of New York; Paul Tyner, Esq., of New York; J. R. Abarbanell, Esq., of New York; John L. Canfield, President State Charities Aid Association; Herbert Brown, Esq., Secretary State Charities League; Prof. John Ordronoux, former President of the State Lunacy Commission; P. M. Wise, M. D., ex-President State Lunacy Commission.

The letter and accompanying documents referred to of Professor Ordrononoux were then read, and the extracts from the report, to which the letter refers, which constitutes an admirable statement of the case, which will appear in the December number of the Medico-Legal Journal.

The letter of Herbert Brown was read, giving his views, which will also likewise appear.

The letter of George F. Canfield was read as a contribution to the discussion and the address he made this morning, November 19th, 1902, at Albany, at the meeting of the State Aid Association, which he contributed to this discussion, and which will appear in the December number of the Medico-Legal Journal.

The chair was instructed to solicit the aid and co-operation of eminent citizens to this movement, and to solicit their views upon the questions involved, for publication and use by the committee to be named.

The letter of P. M. Wise, M. D., late State Commissioner in Lunacy, was then read, and those of Edward J. Butler and all the letters ordered on file and their publication ordered.

MEMORIAL ACTION.

The chair then announced the death of the Honorable, the late Chief Justice Andrews, LL. D., of the Supreme Court of Conn., and paid a tribute to the life, character and career of this great jurist; a member of the Medico-Legal Society, and a warm friend of its labors.

The chair then read the letters of Hon. Simon E. Baldwin and David Torrance, Judges of that Court, and of the Hon. Dwight Loomis, ex-Judge of that Bench:

New Haven, Nov. 14, 1902.

Clark Bell, Esq.

My Dear Sir.—Your letter of November 13 is received. A previous engagement will prevent my attendance at the dinner of the Medico-Legal Society on November nineteenth.

In response to your request for a few words in respect to the late Chief Justice Andrews,permit me to say that I am glad you propose to give part of the evening to a consideration of his life and services.

I know of no one who ever came into the world hampered by physical conditions so depressing, who surmounted them more courageously or triumphantly. For any man to reach the station of Governor of his State, and also of Chief Justice of his State, and finally to round off his official life as President of a Convention call-

ed to revise its Constitution, may well be esteemed a great career. To a man so handicapped at the outset, as was Chief Justice Andrews, it became doubly such.

His quick wit and readiness of speech are known to those of the Medico-Legal Society, who heard him at the dinner given by it, some years ago, in honor of the court over which he had then recently been called to preside. His legal attainments and vigorous style of expression are known to the wider circle who are accustomed to read the reports of judicial decisions; and whoever has brought to them anything of value, in the explanation of human law, has built himself an enduring monument.

Yours very truly,
SIMEON E. BALDWIN.

Derby, Ct., Nov. 18th, 1902.

Clark Bell, Esq.

My Dear Sir.—Absence from home must be my excuse for not replying sooner to yours of the 13th inst, which came to my house late on Saturday last. I am also compelled to be absent from home to-day. I regret that my engagements will make it impossible for me to accept your cordial invitation to be present at the banquet to-morrow night, and that they have been such as to prevent me from writing a word or two of tribute to the memory of the late Chief Justice Andrews. Thanking you for your kind invitation, I have the honor to be,

Yours very truly,
DAVID TORRANCE.

278 Farmington Ave., Hartford, Conn., Nov. 18, 1902.

Hon. Clark Bell.

My Dear Friend.—Snatching a few intervals during an important trial, I have hastily prepared the enclosed obituary of Ex-Chief Justice Andrews. I have had no time to copy or carefully revise it. Such as it is I send it on agreeably to my promise.

I also enclose an obituary sketch of the late John Hooker, for many years reporter of the decisions of our Supreme Court. The brevity of the sketch is owing to a rule recently adopted by the Judges of the Supreme Court of this State, that all obituary notices which are to be printed in the Connecticut Reports must be expressed in 500 words or less.

Very truly your friend,
DWIGHT LOOMIS.

CHARLES BARTLETT ANDREWS, LL. D.

Ex-Governor and Ex-Chief Justice of Connecticut.

Born at Sunderland, Franklin County, Mass., Nov. 4, 1834. Died at his home in Litchfield, Conn., September 12th, 1902.

His father was Rev. Erastus Andrews, a Baptist clergyman of Sunderland, Mass. The family were of Connecticut origin. E. Benjamin Andrews, late president of Brown University, was a younger brother.

Judge Andrews was graduated from Amherst College in 1858, with honors. He studied law in Connecticut, and was admitted to the bar in Fairfield County, in 1860, and soon after commenced the practice of the law in the town of Kent, in Litchfield County, but in 1863 he removed to Litchfield, the County seat, and associated himself in legal practice with Hon. John H. Hubbard, who had been elected to represent the Fourth District of Connecticut in Congress, and he continued the partnership with Mr. Hubbard till the death of the latter in 1872. After removing to Litchfield, Judge Andrews rapidly rose to eminence and took a leading position among his compeers at the County Bar, many of whom were brilliant and able lawyers.

In 1868, and in the year following, he was elected a State Senator. In 1878 he was elected a representative of Litchfield in the General Assembly, where he became chairman of the Judiciary Committee and leader of the Republican party in the House of Representatives. In 1879 he was elected Governor of Connecticut and held the office two years. During his administration the old complicated science of legal statement, known as Common Law Pleading, was abolished, and a new Practice Act took its place. In 1882, upon Governor Bigelow's nomination, Mr. Andrews was elected a Judge of the Superior Court, in which office he gained reputation as a very able and upright judge, and on the retirement of Chief Justice Park, in the year 1889, he was nominated by Governor Bulkley for the office of Chief Justice of the Supreme Court, and elected to that office by the legislature, which office he held till the year 1901, when he resigned the office and retired to private life at his home in Litchfield, but his retirement was brief, for upon the calling of a Constitutional Convention he was, without any party contest, elected a delegate to that Convention, which assembled in January, 1902, and by the delegates to that Convention he was, with practical unanimity, elected as its president. The degree of LL. D. was conferred on Judge Andrews by Amherst College, and also by Yale University.

From this brief summary of his life, and the public positions held by him, the inference is a natural one that Judge Andrews must have possessed a superior intellect and high character. But taking into consideration a fact not hitherto mentioned, that physically he was handicapped with a burden that would have sunk most men to obscurity, the inference is inevitable that he must have been endowed with intellectual and moral greatness.

It was reserved for Judge Andrews to attain the unique distinction above and beyond that of any other citizen of Connecticut, of, holding the three highest offices in the gift of the State—Governor, Chief Justice, President of the Constitutional Convention—thus reaching the summit in all the departments of government—executive, judicial and legislative. I need hardly add that Judge Andrews filled all these high offices in a way to add lustre to his reputation and to increase his popularity.

Starting life as a poor, unknown and friendless boy, he reached eminence on his merits alone, and thus his life has become, and will ever be, an inspiration to all aspiring young men.

Analyzing briefly the qualities that lifted him to eminence we find he had the chief qualities that make the good judge and good citizen—a remarkable memory which was

"Wax to receive and marble to hold."—

quickness of apprehension, acute power of analysis, logical power, good judgment, lucidity of expression, love of truth and justice, unflinching integrity, untiring industry, courage in the discharge of duty, and manhood of a high type; and with all these qualities, he was simple in his habits, free from false pride and pretence, strong in the homely virtues, and true and loyal in his friendships.

DWIGHT LOOMIS.

Hartford, Conn., Nov. 18th, 1902.

OBITUARY SKETCH OF JOHN HOOKER.*

John Hooker—late reporter for this court—died at his residence in Hartford, February 12th, 1901. He was born in Farmington, April 12th, 1816. His father was Edward Hooker, the fifth in direct descent from Thomas Hooker, founder of Hartford and first minister of its first church. His mother was Elisa Daggett, first cousin of the mother of Roger S. Baldwin.

*Prepared by the Hon. Dwight Loomis, Ex-Judge of the Supreme Court of Errors, at the request of the reporter.

At the age of sixteen he entered Yale College, but within two years his health failed and he never completed his course. The college, however, afterwards granted him a degree and recorded him a graduate in the class of 1837.

To recover his health he shipped twice before the mast, first for Spain and afterwards for China—the two voyages occupying fourteen months. After his return he studied law, was admitted to the bar in 1841, and opened an office in Farmington. The same year he married Isabella, daughter of Dr. Lyman Beecher, and sister of Henry Ward Beecher. In 1851 he removed to Hartford and practiced law till 1858, when he entered on his life work as reporter for this court, which office he held 36 years, a period only surpassed by the marvellous service of Thomas Day, who reported from 1802 to 1853, being 51 years, but he reported only 26 volumes, while Mr. Hooker reported 38. These reports will remain a proud and lasting monument to his memory. Possessing "that last infirmity of noble mind," the love of distinction, he often spoke of his lifelong ambition to be a judge of the Supreme Court of Errors, which he regarded a higher honor than that of reporter.

It is doubtful if his estimate was correct. The office of reporter requires special and extraordinary gifts. He must have not only the faculty of lucid statement, which is very rare, but a quick, acute, logical and analytical mind, giving an intuitive perception of the real merits of the case, and furnishing a solvent that will extract the little particles of gold concealed in the encumbering verbiage. Mr. Hooker had these qualities and they have given him lasting fame.

It would be unjust to him, however, not to recall his zeal in behalf of the abolition of slavery when that cause was by no means popular, and later, his advocacy of the civil and political rights of women. Upon these questions his convictions were clear and deep.

His personal and private character had many attractive traits. His hospitality was delightful. His friendship was not mere partiality or any form of selfishness, but absolute devotion.

All who knew him well will long remember his cheery and cordial greeting, his pleasant reminiscence, his amusing anecdote, his incorruptible character, his moral courage and his ministries of love and sympathy to the poor and suffering.

Mr. Hooker was religious from early life. In later life he discarded much of the orthodox creed, but the fatherhood of God and the brotherhood of man grew more vivid and precious, and he ever exalted and endeavored to follow the precepts and examples of Christ as a divine teacher. In short he believed:

"It is the deed and not the creed
That serves us in the hour of need."

HON. ALBERT H. HORTON EX-CHIEF JUSTICE OF KANSAS.

The Chair then read the announcement of the death of the late Albert H. Horton, late Chief Justice of the Supreme Court of Kansas, an active member of this Society for many years, and paid a glowing tribute to the purity and usefulness of his life, both as jurist and judge, and expressing the great bereavement the Medico-Legal Society sustained in his death.

The chair read a letter from Henry Wollman, Esq., as to the memory of ex-Chief Justice Horton, stating as follows:

74 Broadway, New York, Nov. 19th, 1902.

Hon. Clark Bell, care Hotel Montauk, 53 West 35th Street, City.

Dear Mr. Bell.—It is with the greatest regret that I am compelled to say that I will not be able to attend the meeting of the Medico-Legal Society tonight.

I did want to say a few words with reference to my intimate personal friend, Ex-Chief Justice Albert H. Horton. Our relations were of a close personal nature. He was one of the most earnest and industrious men I ever knew. He was on the Supreme Bench of Kansas at the same time that Judge Brewer, who is now such a great ornament to the United States Supreme Court, was a member thereof, and it is no disparagement at all to Judge Brewer to say that Judge Horton was always regarded as his equal. Judge Horton resigned from the bench and returned to the practice of the law, and he simply worked himself to death. There was scarcely a case of any great importance in Kansas, after he left the bench, that he was not counsel in, and I am satisfied that he was never connected with a case that he did not give as deep and earnest and intelligent attention as it was possible for any one to give it.

Very truly yours,

HENRY WOLLMAN.

On motion it was resolved that copies of this action be forwarded to the families of the deceased, as also that taken at the last meeting on the death of the members named. The Society adjourned.

CLARK BELL, President.

SAMUEL BELL THOMAS, Secretary.

THE LEIPSIG BACTERIOLOGICAL SOCIETY.

HAND DISINFECTION.

At the June session of the Leipzig Bacteriological Society, Dr. H. Fueth, Assistant in Prof. Zwiefel's Gynaecological Clinic, at Leipzig University, made a "Contribution to the Subject of Hand Disinfection," detailing the excellent results obtained from four series of animal experiments made with ethylenediamine citrate of mercury. The hands were infected with a virulent culture of tetragenus organisms (the method is given in detail), disinfected with soap spirit (by Mikulicz's process), and the skin scrapings administered to some guinea pigs by intraperitoneal injection; they all died from tetragenus infection, as did some control animals. The same process was employed previous to and after disinfection with mercury citrate ethylenediamine, but none of the animals developed tetragenus.

The following discussion of this paper took place:

Dr. Graefe asked if mercury ethylenediamine citrate is identical with sublamine.

Dr. Fueth answered that sublamine is mercury ethylenediamine sulphate. It has been chosen because it can be prepared in pastil form; this cannot be accomplished with the citrate.

Dr. Graefe: "I have been very glad to employ sublamine. In contrast to corrosive sublimate, my hands stand it very well, and I do not get eczemas from its use."

Dr. Zweifel, replying to a query as to the cause of the comparatively high cost of sublamine, stated that it was due to the fact that the ethylenediamine contained therein is an alcohol derivative.

Dr. Kroenig said: "I think that the preparations demonstrated to-night, very beautifully illustrate the value of animal experimentation in the question of hand disinfection. I cannot acknowledge the cogency of Schaeffer's objection, that the animal experiment needlessly introduces into the question a new factor—the virulence of the bacteria employed. Virulence is indeed, a variable quantity in different tetragenus cultures, but this is of no importance, since all biological experiments are comparative only. This is a fact that cannot be too much dwelled upon. In all our experiments, therefore, where it was in any way possible, we have only compared results which were obtained with the same tetragenus culture. Schaeffer's criticisms seem to me to have the less weight, inasmuch as not only does the virulence of the bacteria vary from culture to culture, but also the resistance and other conditions; a fact which has perhaps been taken too little into account in previous experimentation.

"I believe I can claim that our series of experiments are well calculated to solve those questions which are of importance to the clinician. For, since it has been abundantly demonstrated that complete germ freedom of the skin is an impossibility, the practitioner wants to know the method by which his hands, contaminated with infectious material, may be so sterilized as to reduce the danger of infection to a minimum, if a second operation should be nec-

essary. Our experiments, as Fueth has demonstrated, show plainly that a purely mechanical disinfection, even with Schleich's marble soap, lately so highly advocated, is entirely insufficient.

"It is a fact, as Dr. Graefe has stated, that sublamine is dearer than corrosive sublimate, but in practical employment this is compensated for by the fact that no alcohol is employed, as is the case with the Fuerbringer method."

Dr. Bumm said: "I think that we must leave Fuerbringer the credit of having introduced a disinfection method which is one of the best we have. I am quite ready to admit that sublamine may be several per cent. better, that the hands are left in a nicer condition, and that it is more efficient than the older drug. But the Fuerbringer method is an excellent one as compared with that by means of marble dust and green soap."—Centralblatt fuer Gynaecologie, Sept. 27, 1902.)

EDITORIAL.

MRS. MAYBRICK AND EDGAR SALTUS.

Mr. Edgar Saltus writes on the hardship and injustice done this American lady, in the New York Journal, from which we make a few extracts.

Mr. Saltus, in alluding to the character of Mrs. Maybrick, the proposed movement in Chicago, and the opinion of some that she was guilty, says:

"Opinion, however good is not evidence. Few that knew this woman believe in her guilt."

"Life," he also says, "long since has ceased to mean to her love. Long since the charm she exhaled has evaporated. Long since her dreams have gone. In their stead are nightmares; but nightmares actual, tangible, real, repeated and multiplied daily.

That is not right. Death is a detail. It is torture that is abominable. It is torture that the English authorities have inflicted on this American woman. Through insufficiency of evidence, they lacked the courage to hang her.

Through insufficient humanity they lack the courage to set her free.

Torquemada never did worse. Mrs. Maybrick may be guilty, but in the general session of the last judgment, we would rather answer for her crime than for that of the late English Home Secretary."

Mr. Saltus' sharp and well merited criticism of the late English Home Secretary, will find an echo in every human breast.

The appeals of more than 10,000 of her countrywomen, the written requests of the wife of President Harrison, of Mrs. Secretary Blaine, of our other Cabinet ministers, addressed personally to the heart and conscience of the Queen herself, would leave little hope for further appeals by the women of America.

Gail Hamilton's eloquent, impassioned, splendid efforts, backed by the exhaustive efforts of Mr. Blaine, one of the ablest and most energetic ministers of State our country has ever had; with an able Ambassador at the Court of St. James, met with not the slightest success.

The resolutions of the American Congress in Mr. Cleveland's administration, with the known desire of our government for her release, availed not the slightest.

When President McKinley, who firmly believed in her innocence, instructed our Minister, then Mr. Hay, to ask for her release after a long period of imprisonment, without discussing the question of her innocence or her guilt, as a matter of comity between two great and friendly nations, treating her as an American citizen, which she became under the laws of both America and England by her claiming her citizenship after the death of her husband, and which claim was recognized by the English Home Office, by transmitting it officially to the President of the United States, through the American Embassy, he did not receive, and our Government did not receive, even the courtesy of a reply.

The action of the late English Home Secretary is as Mr. Saltus so splendidly states it, a crime against civilization, against humanity; and before the bar of the public judgment of mankind, the sentence Mr. Saltus pronounces upon that official is one that is well-merited and well- deserved. Mrs. Maybrick has never for one instant, had the benefit of that doubt of her guilt, entertained by the judge who tried her, as evidenced by his own writings, and the declarations of his brother in writing his biography.

Mr. Saltus denounces the act of the Home Secretary, who commuted her sentence because of the doubt he expressed in his decision of her guilt. No man living knew better than that Home Secretary that by the law of England, if a reasonable doubt existed on the evidence of her guilt, she should not have been convicted, and that had the jury on the trial entertained the identical doubt which the Home Secretary expressed, and that Justice Stephen subsequently acknowledged, the verdict should by the law of England, as a matter of law, have been in her favor.

What is the reason that the heart of the English Home Office is hardened against this unfortunate?

May we not hope that the new Home Secretary, Mr. Akers Douglass, will go carefully over the case, and read for himself, all the petitions and memorials now in the Home Office, and look at the views and appeals in a broader light; and give due weight to the length of time she has been in prison. Let him meet our Ambassador, Mr. Choate, on a higher plane than his predecessors have done; conditions have changed both in England and in America.

The late Queen of England is dead; King Edward is on the throne; President McKinley is no more. The Spanish and South African wars are of the past, and these have brought the English and the Americans closer together. Now is the time for clemency in her case.

What is the strange and mysterious influence in the Home Office, that controls its action, and stifles the agonized cry of humanity for justice for the innocent, when, as the Chief Justice of their highest Court said in splendid and eloquent words, both to her and to the Home Ministers, "that she ought never to have been convicted; that she should be at once released."

As Lady Randolph Churchill said, in her womanly letter to the chairwoman of the Woman's Committee of the Psychological Section of the Medico-Legal Society, that the claim for her release should be made quite outside of the question of her guilt or her innocence.

Who was it that in the earlier years of Mrs. Maybrick's imprisonment, manufactured the atrocious calumnies against her while a prisoner in her cell, asserting that she was a malingerer, and had feigned an illness, which investigation showed was groundless.

Who was it that caused the other infamous calumny to go through all the English press after she had been years in prison, that she was *enceinte*, and of which the Home Office took no notice, although it compromised the only two men that could have had access to her, until her mother forced an explanation and a denial?

She is a star prisoner, and the whole atmosphere of her prison, among the officials, is sympathetic, notwithstanding the rigid rules that stifle any expression of that sympathy. Has good conduct as a prisoner for a dozen years any weight, when the voice of the world is resonant and urgent

for her release, that the late English Home Secretary should so have filled his ears, as not to hear the voice that the blood of the innocent was crying out for deliverance?

If the All-Seeing Eye, who knows the falsity and baseness of the charge, is at the end, to bring this Home Secretary face to face with his victim at the last, as he certainly will shortly, when the inexorable wheels of time and fate revolve to that hour in the not far distant future,when death shall claim both, most men will agree with Mr Edgar Saltus, "that at that final bar, they would rather answer for her crime than that of that English Home Secretary."

Apropos of the visit of Lady Henry Somerset to our shores, who has been understood by the friends of Mrs. Maybrick on both sides the Atlantic, to be in sympathy with the efforts made by the American Government for her release, an explanation from her Ladyship is due.

Before the Queen's Jubilee, when strong efforts were in contemplation, Lady Henry Somerset was reported to have strongly advised against any concerted popular movement in Mrs. Maybrick's favor, by the assurance that any agitation in America,in any public way,would then prejudice the claim for a release that was being urgently pressed by the Memorial Committee of the Medico-Legal Society, through the action and powerful influence of President McKinley, and who had as was publicly announced, instructed the American Ambassador, Mr. Choate, to use every honorable means in his power to secure her release.

This advice, in the name of Lady Henry Somerset, was followed, because it was believed that the Jubilee of her Majesty would be signalized by this act of clemency.

What reproaches and humiliations are in store for those of Mrs. Maybrick's friends, who influenced by these considerations, have lived to hear it stated, by those who had been classed as Mrs. Maybrick's friends, that this silence and seeming apathy, which had been thus induced, perhaps honorably, but with a terribly disastrous ignorance of the actual facts and conditions; was evidence that no wide-spread demand or desire for Mrs. Maybrick's liberation existed here?

That Lady Henry Somerset's name and influence was strongly, successfully and powerfully used to stifle action in her interest by the press, by the expectations thus raised, but never realized, is well known, and her Ladyship has much to answer for in this suppression of systematic efforts, in those years before the death of the Queen. She may have then earnestly believed in the unwisdom of agitation on the subject, but she was terribly mistaken, and should now repair the wrong done if in her power.

The example, however, should not be lost on the press or the public. When one official sets at defiance the public opinion of the great mass of mankind, who is alone and only responsible to public opinion, and not to any English law or tribunal, who cannot be inquired of even by the English Parliament or by the English Ministry; is not the case so exceptional in all its aspects, that it becomes the duty of the press to hold such an official up to the scorn of all honorable minds, and in this regard Edgar Saltus fulfills a great public duty when he places this official in the pillory, in the public view of the race. Mr. Saltus is entitled to the thanks of every citizen, and his action should be an object lesson for the press of the world.

TO DELEGATES, MEMBERS AND OFFICERS TO THE AMERICAN CONGRESS ON TUBERCULOSIS.

There has been and will be unavoidable delays in the selection of the governing council of the Congress of 1903 or 1904 if the latter year is selected for the next meeting as seems now most probable.

It cannot be determined until the new board or council is selected, which, despite the most energetic work on the part of the Executive Committee, who has its organization in charge, has not yet been able to complete it as we go to press, and until that council has organized, it cannot be finally determined whether a session will be held in 1903 or not, but the present concensus of opinion so far as we can now judge, will favor a postponement of any meeting in 1903, and to make a strong and powerful movement in 1904, on the occasion of the of the Exposition of 1904, at St. Louis.

We favor the latter course under all the circumstances of the case, but will support the governing council in whatever action it decides upon, when that body has organized.

Meanwhile, the various committees ordered by the Congress of 1902, can be organized and go to work in the preparation for the work of 1904,

These committees cover, as standing committees, a large part of the field of labor, and the greatest care should be taken in their composition and selection.

This Journal will keep in close touch with the progress of the work of preventive legislation respecting legislation.

It is in the view of this Journal the highest and foremost question of the hour, in the domain of forensic medicine.

There has been a strong feeling among the members of the body to exclude from its subjects of consideration all questions of treatment of the disease. The treatment of tuberculosis is a medical question and not a medico-legal question.

This subject was debated and thoughtfully considered in the Congresses of 1900, 1901 and of 1902.

It is, and was then, a difficult question, and one not easily determined.

In 1900 and 1901, especially, the question of Sanitoria in the States as State institutions, was a burning question. It was so closely related to treatment that it prevented the exclusion of treatment.

The questions relating to State Sanitoria were such as to interest and enlist the attention of lawyers and statesmen.

It was not then regarded as a purely medical question, and the aid of jurists and legislators was considered to be essentially vital.

Of the large number of Honorary Vice-Presidents almost every one were lawyers, statesmen or legislators; only one Governor of a State was a medical man, and scarcely half a dozen medical men were selected to that position.

Of the Vice-Presidents of states, the effort made in each state was to secure two physicians and one jurist or legislator on the three names selected for Vice-Presidents. That was carried out so far as practicable.

Dr. E. J. Barrick, one of the most active and influential workers of the Congress, strongly favored the selection of legal men in the movement, and publicly stated at the Congress of 1902 that in his opinion a movement confined to medical men only, could not in his opinion succeed.

In the composition of the Canadian Society for the Prevention of Tuberculosis the greatest pains was taken to enlist the active aid not only of the Government, but of the ablest lawyers and jurists of the Dominion.

The Lieutenant-Governors of the Provinces were made and accepted positions as vice-presidents of that body, and the Governor-General took the chair and presided at the opening session.

In the American Congress on Tuberculosis a similar policy was adopted and pursued.

A like policy in the future is a requisite and an essential for success.

It has been intimated that some of the new officials have felt that it would be wiser to confine its labors to medical

men. These gentlemen, if such reports are correct, will change their views on a more careful consideration of the subject and the issues involved.

The direct question came before the Congress, and was discussed on the adoption of the report of the committee on a plan of organization. That committee had reported as follows:

"Delegates are to be received from all reputable medical societies, from the Army and Navy and Marine Hospital service, and persons appointed by the Governors of different countries and states, provinces and all societies for the prevention of tuberculosis."

As submitted the plan was limited to medical societies. The secretary, Mr. Bell, moved as an amendment to the report, the insertion of the following words as an addition to the clause: "and other legal societies and scientific bodies," and supported the amendment by a speech in which the foregoing and other considerations were urged, especially that the language of the report would exclude delegates, or might those from the Medico-Legal Society itself, which had originated the Congress, and to which body the Congress owed its existence and origin. After considerable debate, in which not a voice was heard in opposition to the motion, Dr. T. D. Crothers, chairman of the Committee on Plan of Organization, who was in charge of the measure, accepted the amendment and it was unanimously adopted by the Congress without one dissenting voice; so that upon that question debate is closed until the Congress shall modify or amend the present plan of organization.

An entirely erroneous opinion and report went out that a re-organization of the Congress was adopted at the session. Nothing of the kind was suggested or even hinted at in the Congress itself. The Congress voted on the question of confining it to medical men, and by unanimous action was voted down without one dissenting vote. The Congress had in 1901, ordered a committee to report in 1902, on a plan of organization. That plan was adopted, and the more we study it, the more we like it. A council of nine men, wisely selected, with three of the so selected officers on it ex-officio, and one Vice-President, makes a governing body of thirteen, which is a fortunate number, and is an omen of success.

It is, therefore, respectfully submitted to delegates and members of the American Congress on Tuberculosis, who are not members of the Medico-Legal Society, that the proper means of keeping *en rapport* with the situation of affairs, is that they subscribe for the Medico-Legal Journal so as to be well posted in the affairs of the Congress.

The Bulletin of the Congress of 1902 is well advanced and has now in type over 150 pages. It is not likely to be completed before June, 1903, but the Medico-Legal Journal, is under contract to complete it and furnish it free to all enrolled members, and makes the following offer to every member or delegate who is not enrolled.

1. To furnish the Medico-Legal Journal, Volume XX, commencing with June number, 1902, for half price, cash in advance, $1.50.

2. To furnish the Bulletin, when completed, to all delegates and members of the American Congress on Tuberculosis and officers, at half price, or $1.50 cash, paid in advance. but that this does not embrace enrolling fee in the Congress of 1902. which was fixed at $3.00 by the board of officers.

3. Members or delegates who do not desire to unite with the Medico-Legal Society, of which the initiation fee is $5.00 and the annual dues $2.00, outside the State of New York, can unite with the Section on Medico-Legal Surgery, or the Psychological Section, at their option, at an annual subscription of only $1.50, and receive the Medico-Legal Journal free at half price, commencing with June number, 1902, or No. 1 of Volume XX, which will give them all the action of the American Congress on Tuberculosis, copies of all papers and proceedings of the Congress that goes into its Bulletin in advance of the publication of the Bulletin, which must be delayed until all the papers are in.

Any author of any paper which it is desired shall go into the Bulletin, that has not gone into the hands of the editor of this Journal, should forward the same as early as convenient to ensure place in the Bulletin.

IDA CRADDOCK AND ANTHONY COMSTOCK.

Miss Craddock was insane.

I had an extended examination of her, in which she went over her entire life and explained fully and minutely her views, ideas and plans, and submitted to me her publications and purposes.

She was the victim of an insane delusion which completely dominated her whole life, conduct and action.

Her case was so clear and convincing that not withstanding the well-known differences of opinion alienists entertain in obscure cases, I do not believe two alienists could have been found in the whole list, who would have entertained a single doubt of her insanity had they listened to her statements to me, and carefully considered her case and read her pamphlets.

She visited me to induce me to engage professionally in her defense in the case in the Court of Sessions in the City of New York, before her trial, and there is not the slightest doubt in my mind of the truth of her statements to me respecting herself, her life and her absolute personal ignorance or experience of the subjects she discussed in her writings, and assumed to advise about to others. Her knowledge was such as she had derived from medical works mainly, and such other works as she had been able to see, but that in a limited way.

She believed herself to be the wife of the departed spirit of a young man whom she had rejected as a suitor for her hand before his death, and she conscientiously believed that she bore the relation of wife to this spirit, and that he bore the relation of husband to her, and her views of the marriage relation, and her advice to others regarding it, were based on what she had learned and experienced in her conjugal relations to her spirit husband, as tinged and colored by her distempered fancy.

Of the actual conjugal relation of husband and wife, as it exists in life, as I learned from careful and detailed question-

ing, she seemed to know less than any person of mature years I had ever met, and almost to justify the statement that she knew absolutely nothing correctly, and her mental conception of the relation of man and wife, was abnormal and became a part of the insane delusion of which she was the victim in this respect.

When I told her that her proper defense was insanity and that I would engage in her defense only to interpose that plea, she refused her consent to the plea being interposed for two reasons.

1. She seemed to have a prejudice against confinement in a hospital for the insane of the most intense character. She admitted to me that her mother had regarded her as deranged mentally, but concealed from me what I did not then know, that she had been an inmate of such a hospital, although I did not question her upon that subject, and in no case did she decline to answer any question I asked her.

2. She seemed to have an overpowering desire to have a legal adjudication upon her case, or rather upon her right to publish her views, which she believed would be for the advancement of woman, and the general benefit of mankind, and upon that she seemed most resolute and determined, and I declined to enlist in her defense.

Her case had been previously called to my attention in the court of Mr. Commissioner Shields incidentally, by her counsel, Mr. Pentecost, and by the Assistant United States District Attorney from whom I learned that a charge had been made in the United States Court against her.

I later told both Mr. Pentecost and the United States Assistant District Attorney, that I had carefully examined her case and that she was beyond any doubt insane and acting under the influence of an insane delusion. Mr. Pentecost replied that he had reached a similar conclusion, but that she stoutly refused to allow him to plead insanity as a defense.

I have since learned that she had been committed to an insane asylum in Philadelphia, but I have not investigated how she was released from it.

Her form of insanity did not require her confinement in a hospital so far as being necessary to guard her against injuries to herself or others. It might have been beneficial to

her if carefully selected, by way of treatment of her disease, not otherwise.

In her conference with me she laid great stress upon her never advising young girls, except with the consent of their mothers, and said she in no case would ever do so without the consent of parent or guardian, nor allow them to see her work.

Mr. Comstock's prosecution of this unfortunate was most indiscreet and unwise.

It is hardly to be supposed that he was ignorant of the fact that she was mentally disturbed, and that she had been committed to an insane asylum in Philadelphia by her family.

If he did not know it, a slight preliminary inquiry would have disclosed it. If he did know it and concealed it from Judge Hinsdale and his associates in the Sessions,it was most reprehensible conduct on his part, and action, which I feel sure he will regret to the end of his life.

Had Judge Hinsdale been given a hint of her mental condition, and had he met her privately for examination, he would have discovered it at once.

It is quite clear that the judges at the Sessions were entirely ignorant of her mental state.

Perhaps we should give Mr. Anthony Comstock the benefit of the doubt. It is possible he may not have known of it.

Her imprisonment followed, which now, that it is history, can hardly be claimed to be of any public good, followed as it was by a public banquet to her, by those who sympathized with her, as deprived of her right to publish and sell her books, and who, as a rule, did not suspect her insanity; and she then later appeared and stood her trial in the United States Circuit Court on the charge of sending improper matter through the mails.

No defense of insanity was interposed by her counsel in the United States Circuit Court, Mr. Pentecost, her counsel in the State Court, having withdrawn from her defense.

Judge Thomas is reported to have directed a verdict against her as a matter of law, and refused to submit the questions of fact in her case to the jury.

Her suicide followed on learning from her mother that the Judge had stated that he should give her a long sentence,

the dread of which was stronger with Miss Craddock than her love of life. It was easier to her with her disordered mind, to join her spirit husband in the world beyond, than to prolong her life here in serving out a long sentence.

Miss Craddock makes in her dying declaration an awful charge against Anthony Comstock of prejudicing Judge Thomas against her by falsehood.

She gives details, she repudiates his statements, and denies most solemnly that she had put her works into the hands of young girls.

She denies this as she is dying, and Mr. Comstock was challenged to furnish proof of his statements of this character by her counsel on the trial, and by Miss Craddock when she ended her life. Judge Thomas must have been ignorant of the mental state of Miss Craddock.

He may have suspected something wrong, as it is stated on high authority that he said, when learning on the morning of the day set for her sentence, that he had intended not to sentence her, but to have an inquiry made as to her mental condition.

Let us hope that Mr. Comstock did inform Judge Thomas of the fact that she had been in an insane asylum in Philadelphia.

Let us hope that he has evidence that Miss Craddock was placing her books in the hands of young girls for improper purposes, and that he will be able to produce it, and meet the terrible accusation made in her dying declaration against his veracity.

He has been severely criticised by the press, and he has, as he states, received a scathing letter from an eminent divine of the city for his course against this unfortunate.

If he had, and produces such evidence, it would modify the views of those who censure him for pressing the charge in the United States Court after Miss Craddock had suffered punishment under her conviction at the New York Sessions.

The case is one, of which the list is so small, where had the defense of insanity been interposed, the insanity would have been indisputable, as against the larger class of cases where insanity has been pleaded as a defense, when it did not exist. Her unwillingness to have the plea made is not to

my mind strange. It frequently occurs that the insane although conscious of their insanity, resort to all methods to conceal it, and often do so with wonderful success.

THE ABOLITION OF THE CORONER'S OFFICE.

Recent events call public attention to the wisdom of the abolition of the office of Coroner in the State of New York. The Medico-Legal Society years ago took strong ground in favor of the abolition of this office.

Its entire uselessness, as a part of our criminal system of procedure, was fully demonstrated and strongly urged.

The public generally united in the demand for its abolition. Massachusetts, Connecticut and Rhode Island abolished it. The peculiar wording of the Constitution of the State of New York then prevented the abolition, and it was suggested to legislate its duties away to the service of papers on sheriffs. The Constitutional Convention was to be held shortly, and when it convened the office of Coroner was left out by the Constitutional officers by common consent, and the question of its abolition remanded to the Legislature. What was every one's business, was no one's business,, and the pressure for its abolition was neglected.

Every one concedes that it is not an office of the slightest value or utility.

We are glad to see that the medical societies of New York and of Kings are asking for its abolition.

The Medico-Legal Society at its December meeting passed resolutions recommending its abolition, and with it the coroner's jury, and ordered a committee to memorialize the Legislature, and to unite with all bodies or citizens in favor of its abolition.

It is likely to come before the Legislature now at the next session, and we presume that it will be extinguished as an economic measure if for no other reason.

The Massachusetts system has had a fair and extended trial, and it works admirably. The importance of lopping off the office as an excressence, and useless appendage to our body politic is now quite apparent, and quite universally conceded. We hope to be able to chronicle its abolition at the coming session.

THE CASE OF PATRICK.

The Boston Medical and Surgical Journal criticises this extraordinary case from a medico-legal standpoint, and claims:

1. That chloroform administered in the manner and under the conditions testified to by Jones, could not have killed Rice unless he was at the time practically insensible.

2. That chloroform vapor is very slightly irritating to the respiratory passages, and that chloroform never kills by irritation of the lungs.

3. That the pulmonary congestion and edema testified to by the physicians who made the autopsy, was a sufficient cause, and a natural cause of death.

That these points are well taken, and are all within the common knowledge of medical men.

That a verdict of guilty secured upon such a theory, and upon such a discreditable character as Jones', established beyond all doubt or question for himself, is one of the most remarkable phases of this case, especially as it was wholly unsupported and at variance with what is regarded everywhere as fully well settled in the science of forensic medicine.

The Boston Medical and Surgical Journal in speaking of the claim that Jones killed Rice by chloroform, given him while he was asleep, as was the theory of the case, says:

"Of the many attempts that have been made to chloroform a person while asleep, the very great majority have failed, and the few that have succeeded, have been in the most skillful hands, and were conducted with the greatest care and deliberation."

While we agree with our Boston contemporary that the killing by Jones by chloroform administed to Rice, as detailed in this case, is quite beyond belief and entirely unworthy of acceptance: we are hardly willing to admit that there is any well authenticated case of the successful accomplishment of producing such a result on record as is claimed in this case.

This subject was exhaustively treated in the early history of the Medico-Legal Society by Dr. Stephen Rogers, presi-

dent of that body, in a paper entitled, "Can Chloroform Be Used to Facilitate Robbery?" read January 8th, 1871. Medico-Legal Paper, Vol. 1, 3rd Illustrated Edition, p 298.)

The most skilful practitioner might be able to produce anaesthesia without waking the subject, as illustrated by the experiments of Dr. Bolbau, of Paris, reported in Vol. 3, of the Transactions of the Medico-Legal Society of France, p 113 (1873-1874), but the answer of Dr. Cucuel, of France, in the Tribunals, has not been questioned, viz :

Question. Are narcotics administered in liquid or gaseous form, able to produce anaesthesia in those to whom they are given, so profound that a criminal violation of their person may be committed without waking them?"

This question Dr. Cucuel answered affirmatively, as it related to all forms of narcotics, but Dr. Cucuel stated: " It is impossible to anaesthize a person with chloroform during natural sleep without waking him up."

The accepted scientific opinion among medico-legal experts has been for all the years, since the discussion which followed Dr. Stephen Roger's paper, that chloroform can not be used for the purpose of facilitating crime, notably robbery, and especially homocide, by the administration of chloroform during natural sleep. The patient would be certain to awaken under the conditions of the case, and we quite agree with the views of the Boston Medical and Surgical Journal.

It is difficult to understand how the jury reached the conclusion and verdict they rendered on this case.

It was without adequate legal proof. But there was a very strong public feeling in New York against the defendant. It is difficult to say why this was so, but it certainly was so; and this feeling may have been shared by the jury. or they may have been influenced by it psychologically.

The case of Molineux is in point, on his first trial. All legal minds agreed that there was no legal proof of his guilt, and yet it was true that the public universally believed him to be guilty, and the jury who tried Molineux the first time, saw him every day for a month, and his manner, bearing, conduct and demeanor on that trial, convinced every man on the jury of his guilt, and they convicted rather on their opinions than upon evidence.

Some such influence must have caused the verdict in Patrick's case.

The whole transaction, the money involved, the questions not germane directly to the homocide itself, lay at the bottom of this verdict.

The lawyers for the defense wandered from the real issue, and as the Boston Medical Journal well says: "Wasted time and energy in combatting evidence as to motive, and did not seriously attempt to establish by their own experts and by cross-examination of the experts for the prosecution, certain facts which belong to the common professional knowledge."

The crucial question in the case was not brought to the careful consideration of the jury.

The Alienist and Neurologist, a high authority, quotes the views of the Boston Medical and Surgical Journal, and adds: "No autopsy of the brain appears to have been made, and no record of the state of Rice's arteries appear in the post mortem record, yet Rice had been long in that period of life when men die of altermatous arterial degeneration and its consequences. Chloroform, if given in the manner testified to by Jones, could not have killed Rice, except as a possible auxilliary to his death."

There is no higher authority in such a case than Dr. Draper, the editor of the Boston Medical and Surgical Journal, and Prof. Charles H. Hughes, editor of the Alienist and Neurologist, is one of the foremost experts of the time.

VIVISECTION.

The open letter of Prof. W. W. Keen, M. D., of Jefferson Medical College, to Senator Jacob H. Gallinger, of New Hampshire, citing the case of Hugh K. Aiken, a midshipman in the Naval Academy, is one of the most lucid, terse, unanswerable and illustrative arguments, of the necessity, utility and value of vivisection, we commend this case to the thoughtful attention of all those who have questioned the propriety of the infliction of pain upon animals to secure the knowledge by which human lives can be saved.

The case is an object lesson in brain surgery, establishing the principles involved, and shedding a great light on the proper consideration of the whole subject of vivisection.

DR. ADOLF LORENZ.

In 1895, Prof. Lorenz demonstrated his bloodless method of reduction to the Medical Congress of Berlin, and this, after a long series of experiments.

Since 1900, European surgeons everywhere, and a few in our country, have accepted his practice. His successful cases are said to be more than 1,000 in number, and while the ablest men have conceded the success of his methods in the abstract, it does need the object lesson of this great man, curing the child of Mr. Armour, to draw the attention of the world to Dr. Lorenz, its discoveries and his commanding ability.

The clinical operations he has performed in Chicago and New York were made under a light of such lustrous brilliancy as permeated the world of science, and cannot fail to bring into prominent use this beneficent method of treatment of cases called "congenital dislocation of the hip," so that the benefits of it may reach the poor, afflicted children of the common people of all classes, no matter how much they have been neglected in the past.

The medical profession, while taking a profound interest in the work of Prof. Lorenz and his clinical demonstrations, do not accept his visit with much enthusiasm.

In Chicago it is said that medical men were found who charged him with infractions of the laws, which physicians have had passed in Illinois, regulating the medical practice in that State, although he treated the poor ones, and without charge.

We are glad to say that no medical man had the nerve to perpetrate such an outrage upon him in New York, although we are ashamed to admit that the present laws of the State might have permitted it. His clinical work here was countenanced by the ablest and best of our orthopedic surgeons, and no such scandalous procedure was attempted in this metropolis.

We regard Prof. Lorenz as a benefactor of the race. His discovery and the luminous display made here of its enormous capacity for beneficial results, will bring joy and gladness to many hearts; to the homes of both the wealthy and the poor; to the Armours, and to the dependent classes, and entitles this grand man to a recognition among those who have "not lived in vain."

We are of those who do not divide the world of science by creeds or tongues; by nationality or States; and we cannot for one moment ask where Prof Lorenz as born; what language he speaks, nor speak or think of him as an alien, or a stranger.

Such men belong not to any country, not to any nationality, but to mankind, to the race.

They are of the nobility of the world of science.

They should not be compared, because they are incomparable.

In our country, we have produced some great surgeons in the last half of the century just closed: Gross, of Philadelphia; McDowell, of St. Louis, the nephew of that Ephraim McDowell who made the first successful operation in ovariotomy; Sayre, of New York; and Sims, of those that are gone, and Senn and Murphy of the great surgeons of to-day.

Lewis A. Sayre is the only one among these; all whom I knew personally, except the McDowells, who should be compared with Dr. Lorenz, as his greatest labors and successes were in orthopedic surgery.

Sayre was a magnificent, broad, grand man of enormous physique, great heart and prodigious strength, bold, daring, but cool, he was the greatest surgeon of his time, along all lines—which embraced orthopedic surgery as well.

I can recall Dr. Sayre's splendid reception by the surgeons of London, at Guys Hospital, when he demonstrated his own improvements in methods, respecting the surgery of spinal deformities, the field of orthopedic surgery, and his methods of the administration of chloroform especially, in which he was at that moment, undoubtedly the foremost surgeon of the world.

These names, Sayre and Lorenz, I group as similar in many respects, though Sayre was in active practice in every branch of surgery, and even in medical practice.

Both these men belong to humanity, to mankind, and they should in memory and in the temple of Fame, which the world of science creates, stand side by side among the immortals of orthopoedic surgery.

NOTICE TO MEMBERS AND DELEGATES OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

If any enrolled member or delegate has not received his copy of the Bulletin of the Congress of 1900 and 1901, please notify this Journal and it will be sent them.

The Bulletin of the American Congress on Tuberculosis of 1902 has already reached more than 150 pages, and those members or authors who have not sent their manuscript of articles contributed, will please do so as early as possible to secure favorable location in the Bulletin.

Members or enrolled delegates who desire to receive copies of papers and proceedings of the Congress in advance of the issue of the Bulletin, may subscribe for the same from No. 1, Vol. XX, for one-half price, or $1.50 per annum in advance. And this privilege is also extended to any delegate named by Governors of States or medical societies, whether enrolled or not.

The Medico-Legal Journal is publishing the Bulletin under a contract made with the American Congress on Tuberculosis for those who have paid in, enrolling fees and $1 per page small pica,or $1.50 per page small type,on same terms as the Bulletin of 1901 was published, and authors of papers who desire their contributions to go into the Bulletin should forward the same, in case they have not done so.

All members and all delegates who have not enrolled may now subscribe in advance for a copy of the Bulletin for $1.50 if paid in advance.

THE REPEAL OF THE LUNACY LEGISLATION OF 1902.

The Medico-Legal Society at its November meeting held a discussion on the necessity of the repeal of the lunacy legislation induced by Governor Odell at the last session of the Legislature, which is in part given in our columns, and which resulted in the unanimous adoption of a resolution instructing its president to appoint a committee, to whom was referred the articles and papers submitted, to examine into the question, and with the co-operation of all those who desired its repeal, and to submit a report upon the subject with a view of bringing the subject to public attention, and to the attention of the Legislature.

On the same day, November 19th, at the Annual Conference of Charities and Corrections, many prominent students of sociology were in attendance, and the same views were generally taken by the leading thinkers of the State, who have devoted their energies and labors to the work of the charitable institutions of the city and state, and notably to the institutions connected with the welfare of the insane,fourteen in number, who are profoundly excited by the present condition of things, and among whom, the greatest solicitude and apprehension is felt, as to the outcome of the new order of things that places the superintendent of institutions for the insane in danger of suspension and removal by State officials, appointed for partisan and political purposes, and who are without knowledge or experience in lunacy administration, the care and treatment of the insane, and who are still excluded from giving advice, even much less taking a part in the partisan political tragedy that has been enacted.

It was the undoubted sentiment of the meeting of the Medico-Legal Society that the committee to be organized should represent all elements in the State who favored the repeal of the lunacy statutes, but that the same should not be conducted on the lines of partisan politics as such.

The President of the Medico-Legal Society calls upon all citizens, without distinction of party, who favor the repeal or modification of this legislation, to send their names and addresses to him, at No. 39 Broadway, New York, and to also ask for suggestions from all those friendly to this movement, to suggest suitable names for service on the committee to be formed, which it is desired should not be limited wholly to the members of the Medico-Legal Society.

Early and prompt action is desired, as the Legislature will soon assemble.

Strong hopes were expressed on the floor of the Medico-Legal Society by several speakers, that Governor Odell would probably be not disinclined to reconsider his views, and to give the subject careful and conscientious consideration, and that a legislative commission might be a favorable method of elucidating the truth, as has been done by Parliamentary Commissions in England, before whom testimony could be taken as to the subjects on which the Governor undoubtedly acted regarding economy of administration.

It is beyond doubt or question that the responses of the local boards to these allegations and insinuations was most complete, and supported by unanswerable evidence.

The danger of creating dangerous and sectional strife between the city and the country is involved, and the plan of centralization at Albany of the power that has hitherto been regarded as local,, and more profitably to be exercised and controlled by the boards in the localities most affected, is also involved, but the inquiry raised by the Society is confined rather to the institutions for the insane primarily, and secondarily to the great charities of the city and the State.

SUPREME COURT NOTES.
NEW YORK

APPELLATE DIVISION, SECOND DEPARTMENT.

Governor Odell has re-appointed Judges John Woodward and Williard Bartlett to succeed themselves as Judges of this Appellate Division. These appointments are in accord with the general sentiment of the Bar in the Second Department.

Both these judges have given great satisfaction, and the re-appointment is a graceful recognition of the popular sentiment in favor of their judicial action.

Judge Warren B. Hooker, of Fredonia, New York, of the Eighth Judicial District, has been designated by the Governor as the new Judge authorized by the recent Constitutional Amendment, to the Appellate Division of the Second Department. This is an excellent appointment and will strengthen that bench greatly in its work.

APPELLATE DIVISION, THIRD DEPARTMENT.

The resignation of Judge Edgar L. Fursman from this Bench and from his seat in the Supreme Court, left a vacancy which has been filled by the designation of Judge Alden Chester, of Albany, N. Y., to sit on the bench of this tribunal.

This is a well-deserved recognition of the merit and judicial standing of Judge Chester. We present a sketch of his career, and shall place his portrait in the second edition of the Appellate Division in the Third Department, for 1903.

THE NEW YORK COURT OF APPEALS.

JUDGE GRAY SWORN IN.

Hon. John Clinton Gray, Associate Judge of the Court of Appeals of the State of New York, re-elected at the November election for a term of fourteen years, was sworn in Dec. 22, 1902, at a special session of the Appellate Division, in the First Department.

The oath was administered by Presiding Justice Van Brunt and the other Justices present were Justices Patterson, O'Brien, Ingraham and Hatch.

Judge John Clinton Gray has won praise from all classes, in his past career on this Bench. He was nominated by the Democratic party and ran a long way ahead of his ticket.

The Bar of New York City, and generally of the State, supported him, and his election is a signal approval of the value and worth of his character and judicial ability.

THE NEW POST-GRADUATE MEDICAL SCHOOL AT WASHINGTON, D. C.

We congratulate the country on the announcement that comes from the Capitol of the Nation, of the establishment of a Post-graduate School of Medicine at Washington, under auspices that will leave little to be desired for the post-graduation of medical men. General George M. Sternberg, who has just laid down the Surgeon General's duty of our armies, with the thanks of the country, is, as we understand it to be at its head, and the prospectus of the faculty and the chairs give promise of higher excellence in every department of medicine, than of any post-graduate school in the nation.

We have not space for an extended notice of this movement; nor to name the prominent medical men of the National Capital, who are to be identified with it. It is enough to say that the men who are identified with it are abundantly competent to make it take high rank from the outset, and that the school will open under the most auspicious and favorable circumstances.

THE HAMMOND TYPEWRITER.

I used to admire the beautiful and dainty letters I received from public officials in the State and National Governmental Departments, that looked so like beautiful print, written from dictation, and which was a pleasure and a delight to see, and regret that lawyers could not utilize such beautiful work, when it had to be manifolded with a sigh.

In common with, perhaps, nine-tenths of the lawyers, of whom now all are compelled to use typewriters, I set down in my mind for a fact that for one single letter so dictated, but not copied, the Hammond was par excellence the best in the world, but as we must make at least three copies of every paper used in a legal proceeding, and often more, it would never do for a lawyer's office.

One day I was told that they had so improved the Hammond that it would manifold, and so I went into the Broadway office to examine and find out for myself, and the young

lady in charge said we can make four or five copies readily on standard legal paper, and many more with a special paper we use. So I said let me see you do it on standard legal paper with five copies, and so she ran me off five copies at once, and they were all good and fit for use. That is how I came to know that the Hammond would manifold well enough for any lawyer or doctor, and I was greatly pleased at the result.

A prize of $400 for the best paper on the subject: "Does the Habitual Subdermic Use of Morphia Cause Organic Disease? If so, What?" is offered by Dr. J. B. Mattison, medical director of the Brooklyn Home for Narcotic Inebriates. Drs. T. D. Crothers, of Hartford, Conn., J. M. Van Cott, of Brooklyn, N. Y., and Wharton Sinkler, of Philadelphia, are announced as the awarding committee. Papers in this competition must be in the hands of the chairman, Dr. Crothers, by or before December 1, 1903. All papers submitted are to become the property of the American Association for the Study and Cure of Inebriety, and are to be published in such journals as the committee may select.

Two prizes, one of 5,000 rubles ($2575), and another of 1,000 rubles ($515) have been offered for international competition by the Academy of Sciences of St, Petersburg for papers elaborating protective measures against poisoning by fish toxins. The papers may be written in English, French, German, Latin, and must be received by the Russian Minister of Agriculture by October 1, 1903.

SELECTIONS.

THE TREATMENT OF PNEUMONIA.

BY PROF. R. W. WILCOX, M. D., LL. D., OF NEW YORK,

In a paper read before the New York State Medical Association.

After briefly reviewing the various methods of treating pneumonia, the author said:

So late as 1897 Osler believed that we had no reliable measures at our disposal to combat the toxaemia of pneumonia. Within two years, however, Cassoute and Corgier reported that after continuous administration of fairly large doses of creosote carbonate (containing 91 per cent. of creosote, and made from it by the action of nascent carbon dioxide), in most cases a typical fall of temperature occurred during the first twenty-four hours of treatment, and if the remedy was persisted in for a sufficiently long period of time, the apyrexis became permanent. Relapses and sequela so frequently seen under other methods were entirely absent. So positive an assertion could not escape attention. Creosote—better beechwood creosote—is not a new remedy, but its caustic action and its irritating effect on the kidneys when given in necessary amounts, has prevented its use. So pronounced were there untoward results that I had abandoned its use in pulmonary tuberculosis several years earlier. The daily dose of creosote carbonate was from two to four drams, the dose interval being six hours. So soon as the temperature reached the normal, the amount is reduced to one-half, and this is continued so long as auscultatory signs persist. What are the results? Cassoute and Corgier reported favorably upon eighteen cases; Stokes, seven; Bridges, eight; Meitner, thirteen; Eberson four; Van Zandt, sixteen; Von Ruck, twenty (complicating pulmonary tuberculosis); Weber, nine, and Thomson eighteen cases. From these observations the statement of Van Zandt is fair —that creosote carbonate cuts short or aborts a large percentage, mitigates almost all the rest, and in a small percentage of pneumonia thtre is no result. Certainly if the early appearances of the crisis is any indication of the value of the treatment, this remedy merits a careful trial.

My own experience covers thirty-three patients, with no deaths. Tht disease terminated by lysis in nine; by crisis in twenty-four. Crisis occurred on the sixteenth day in one; seventh in two; eighth in nine; ninth in six; tenth in three; eleventh in two, and on the twelfth day in one patient. In two patients above the age of seventy, lysis occurred. Of three alcoholic subjects, in two lysis, and in one crisis was noted. Two instances of double pneumonia both

terminated in lysis; in one the infection of the two lobes was contemporaneous; in the other by sequence. Aside from the remarkable reduction of mortality, the increased percentage of cases in which crisis is noted is suggestive as to the true significance of that phenomenon, and is an argument for the value of the remedy in nullifying the bacterial activity and its results."

Dr. Wilcox further said: "That under this method of treatment tympanites is rare, and the necessity for calomel greatly decreased;" and concluded as follows:

"The present status of the treatment of pneumonia is especially satisfactory when results are considered. To summarize: 1. Continuous, persistent and generous administration of creosote carbonate. 2. Careful adjustment of mechanical conditions. 3. Thorough evacuation of toxins by all possible ways. 4. Temporary supplemental oxygen by inhalation. 5. Liquid ditt until physical signs disappear.

"To be avoided, are antipyretics, opiates, ill-advised external applications and slowly acting heart remedies, as digitalis."

His paper published in full in The American Journal of the Medical Sciences, September, 1902.

JOURNALS AND BOOKS.

ESSAYS IN MEDICAL SOCIOLOGY. By Elizabeth Blackwell, M. D. Ernest Bell, publisher. York street, Count Garden, London. May, 1902.

Dr. Emily Blackwell has given in two small volumes those lectures, addresses and writings which she has written and sent out in the past on the sociological subjects that have occupied the students of medical sociology and medical economics.

Her first volume contains: The Humane Element in Sex; The Contagious Acts; Rescue Work in Relation to: Prostitution and Disease; Purchase of Women; Sex Education of the Young.

Vol II contains essays on: Women in Medicine; Medical Education Faction of Hygienic Congress; Scientific Method in Biology; Christian Socialism; Decay of Municipal Governments; Address before Woman's Medical College, in New York, Nov., 1868, and The Religion of Health.

Dr. Blackwell has been for years an earnest thinker and writer on these questions, which are now attracting public attention, and her works will commend especial attention at this juncture.

THE PHYSICIAN'S VISITING LIST. By P. Blakiston, Son & Co., issue for 1893-4. It is an up-to-date affair. Its price is a nominal one, and it is so arranged that it has a blank place for every entry that a physician wishes to make.

The mystery to us is how any doctor in practice who has ever used one gets along without it afterward.

ANNALS OF SURGERY. Lewis Stephen Pilcher. M. D., LL. D, Editor, of New York. J. B. Lippincott Company, Publishers, Washington Square, Philadelphia.

The December number completes the eighteenth year of this journal. In this issue Genito-Urinary Surgery is presented in three important memoirs.

Abdominal Surgery is represented in four important papers. Eisendrath, of Chicago; Thienhaus, of Milwaukee; Rake, of England, and Baldwin, of Columbus.

THE FOUR TRACK NEWS. Geo. H. Daniels, Esq., Editor.

There has been a new light thrown upon the field of railway passenger service and of showing it to the public under the most favorable auspices.

The most conspicuous illustrator in this domain of journalistic enterprise is Geo. H. Daniels, General Passenger Agent of the New York Central Railway system

Mr. Daniels is a genius and he has carried out his original and unique ideas upon artistic lines and under such conditions as to make the general passenger agents of other railways turn green with envy. Mr Daniels has developed hidden and hitherto unsuspected and undreamed of gifts in this class of journalism and has written in such ways as make his competitors stare.

We are all delighted with the message to Garcia, and we are told that the credit of the unsurpassed demand for that splendid piece of work is due to the genius of Geo. H. Daniels, Esq.

It don't make so much difference who wrote it; it is the man who brings it to the public eye and who uses it to reach and move the public heart. Who did this? "Your Uncle George."

And now anon comes out "The Four Track News," an "Illustrated Magazine of Travel and Education," done up in the highest style of il-

lustrative art, and on the cover you are advised to send 5 cents to Geo. H. Daniels, G. P. A., Grand Central Station, N. Y., and that it only costs 50c a year.

And when you have sent your 5 cents or your 50 cents, as you choose, you get a work that has set all the editorial world talking about the literary ability of Geo. H. Daniels.

But where does the New York Central Railroad come in in all this kaleidoscopic display of Daniels? Don't worry about that. Where don't it come in? "Has Saratoga any particular points of interest?" See the Four Track News and learn how to get there. If in doubt about Albany, Schenectady, or Syracuse, or Buffalo, or Niagara Falls, or even the Hudson River, look at the Four Track News and you will learn a thing or two you had not thought of as to all these points and their relation to the New York Central Railway, and if you keep looking you will learn a good deal about Mr. George H. Daniels.

CYCLOPEDIA OF LAW AND PROCEDURE. American Law Book Co. Vol. III.

This volume completes the exhaustive article on Appeal and Errors, by Judge Walter Clark, of the Supreme Court of North Carolina, which filled thirteen elaborate headings of Vol. II of the work and 621 pages.

In Vol. III this heading completes the thirteenth heading and furnishes 14 to 18 complete, and makes as a whole one of the most elaborate, exhaustive and valuable treatises on the subject that is within the reach of bench or bar, and will be a monument to the learning and research of Judge Walter Clark, as well as the wonderful and signal ability he has displayed in its preparation.

The whole should be published by Judge Clark, as a Treatise, on this theme, and as it is too large for a single volume, it should come out in two volumes, for convenience sake, and the American Law Book Company could do no more graceful or better work than to issue this work in volumes for the profession.

THE PUBLIC AND THE DOCTOR. Dr. E. B. Hadra, Publisher, Dallas, Texas. 1902.

This little work is written for the eye of the general public rather than that of the medical profession, and to hold up and expose the annoyances and impositions practiced upon physicians by their patients and the public.

It touches on other current questions, but always to educate the ignorant of the true province of the cultured and educated physician, and to attempt to make the patient see it in the light the Doctor does and thinks he has a right to do.

If the public could be induced to read it and profit by it, it would be of great help to the long-suffering and patient physician, who is the principal sufferer in all the ills named in the work.

It may be said to be a long-suffering growl, or perhaps, more appropriately styled "the wail of the Doctor," who writes under the cognomen of "A Regular Physician," who ends the long and striking list of grievances to which he, in common with his brethren, suffer, as the closing sentence and as a peroration and crowning "wail" of his lamentations, this sentence: "We know of a woman who, sitting next to her family doctor at a concert during the performance of a Beethoven Symphony, pestered him the whole time with a description of her baby's summer complaint."

THE RATIONALE OF MESMERISM. By A. P. Seunett. Houghton, Mifflin & Co., Boston. 1897.

This is an interesting book on a very interesting subject, admirably and intelligently treated, and well repays the careful study and perusal of every student of this branch of psychological inquiry.

The author has divided his study into nine chapters. He examines the old and the new theories with great freedom and ability. He discusses the "mesmeric force" with the eye and skill of a master.

He devotes some extended space in reviewing what he calls the "Real literature" of Mesmerism, which is in many respects the most interesting part of the book.

He touches on the mesmerie phenomena and on the therapeutics of mesmerism, and concludes a most entertatning volume on the anæsthetic effects of mesmerism and its relation to the sensory system.

His chapter on Clairvoyance is carefully prepared and stated, as is his views on mesmeric practice, which is very careful instructive as to method and invaluable to the student.

PUBLIC OPINION. The number of December 18th contains an explanation of a plan put in operation on Blackwell's Island, New York City, by Mr. Herman Folks, Commissioner of Charities and Corrections, for the comfort of the inmates, of a unique and praiseworthy character. He has opened and set aside a cottage for old couples who are now inmates of the Alms House, where the husband and wife can live together, with a separate room for themselves, dining at a general table. About twenty of the inmates are thus benefited.

We commend this unique experiment of Mr. Commissioner Folks to all those who have opportunity to imitate it.

SOCIOLOGIC STUDIES OF A MEDICO-LEGAL NATURE. By Louis J. Rosenberg, LL. B., Esq., and N. E. Aronstam, M. D., Ph. G.

A Lawyer and Physician have united in this work to give the result of their labors, on nine subjects which are engaging the attention of the students of Sociology. Each subject is treated separately in a chapter, from both the legal and the medical standpoint.

"Crime." "The Drink Habit," "Euthanasia," "Sterpi Culture, "Educatiod of the Feeble Minded," "Premature Burial," "Suicide," and "Tuberculosis," are the themes selected.

Each theme, fully considered, would fill a large volume.—some more —on contributions made to the Professions by these authors, from time to time in rhe past, in various journals, not as treatises on these subjects, but as contributions to these topics from various standpoints, rather as side-lights and introductions to their elaborate and exhaustive examination.

The article on Suicide we see given in full in the November number (1902) of the *Alienist and Neurologist*, and credited to the *Medical Age* in which it first appeared.

The article on Tuberculasis is publisned in the *Bulletin of the American Congress on Tuberculosis* for 1901, and has been published in the columns of this Journal, and relates to—

1. A plea for stricter attention to some forms of Tuberculosis, and
2. To legal action to prevent its spread.

We are glad to see these papers brought out in book iorm, as it presents under a single cover the studies in sociological science in a more accessible form.

MAGAZINES.

MEDICAL JOURNALS FOR AUGUST.—We give a list of the authors and titles of articles in the following named medical journals for August:

International Journal of Surgery, New York.—A New Method of Breech Extraction, by Nathan Herman; The Surgical Assistant, by Walter M. Brickner; Burns and Their Treatment, by W. N. Yates; The Technics of Amputations (continued), by R. H. Cowan; Some of the Evils of Asceptic Surgery, by J. Sutcliff Hill; Nose and Throat Work for the General Practitioner (continued), by George L. Richards; Cystic Degeneration of Chorionic Villi—with report of a case of recovery, by Irving Rankin.

Archives of Pediatrics, New York.—Development, the Keynote of Pediatrics, by W. S. Christopher; Intussception—Clinical Remarks, by Francis Huber and John F. Erdman; Local Variations in the Mortality from Summer Diarrhea, by Henry D. Chapin; Meningoceles and Allied Malformations, by John Ruhrah; Report of Three Cases of Complicated Scarlet Fever, by George P. Dale.

Columbus Medical Journal.—The Columbus Water Supply, by Elmer G. Horton; Columbus Milk Supply, by H. C. Fraker; Lupus Vulgaris, by Edson J. Emerick; A Case of Idiopathic Peritonitis, by D. S. Hanson; Amenorrhea, by Rebecca V. Combs.

Buffalo Medical Journal.—My Experience in War—A Contrast—1885–1900, by G. Sterling Ryerson; Gunshot Wounds—Experiences in Civil Life, by William C. Phelps; Congenital Pulmonary Stenosis (concluded), by Joseph Burke; A Resume of the Work of the Physicians' League During Its First Decade, by Electa B. Whipple; A Detention Hospital or Pavilion for Acute Mental Diseases, by F. H. Stephenson; Summer Diarrhea of Children and Their Treatment, by M. A. Auerbach; Acetozone in Typhoid Fever, by G. H. Westinghouse; Treatment of Carbolic Acid Poisoning, by Francis E. Franczak; Erysipelas Treated with Antistreptococcus Serum, by L. Bradley Dorr.

THE BOOK MAN. Dodd, Mead & Co., New York.

The Christmas number of this Journal is unusually fine and most æsthetic in its whole scope. It is difficult to see how it could have been made finer.

Its advertisements are illustrated, many of them in colors, and its half-tone work is very good.

It gives photographs of authors. The best, that of Jerome K. Jerome, is a caricature. James Creedman's head and face is excellent, which is more than can be said of its Arthur Morrison. Dr. Van Dyke in his study is excellent and artistic.

It names eleven books, specialized as "The Books of the Moment."

OUTING. Caspar Whitney, Editor, New York.

The lateness of our issue enables us to notice the January number, 1903, which is out in advance. The article "How to Take Big Game Fish," by Charles F. Holder, illustrated by Henry Swatson, is well worth the price of the Journal. Wm. C. Harris' advice of "How and Where to Fish in Florida," is timely for those intending to fish in these waters.

THE WORLD'S WORK, Doubleday, Page & Co. Walter H. Page, Editor, 34 Union Square, New York.

The December number contains a careful and skillfully illustrated article on George Guy Bernard, Sculptor, showing some of the best specimens of his work.

"The Traveling Post Office," by Forrest Crissey, is an educational article of post office methods, of great interest, as is Rogers Dickenson's article on the industry of "Gold Production."

We have never seen anything of Grover Cleveland quite as bad as the full-page portrait in the frontispiece of this number, either in artistic design or in reproduction.

THE GREEN BAG. The December number of the *Green Bag* has a fine full-length portrait of Ex-Chief Justice Tany, and a carefully written sketch of his life and career, by Hon. John A. Shauk, now Chief Justice of the Supreme Court of Ohio.

"The Landmarks of Chinese Law," by V. Van Marter Beede, are very interesting indeed. They have been translated by Prof. Herbert A. Giles, of Cambridge University.

"The Sifton Murder Case," if it is correctly reported, shows a remarkable miscarriage of justice.

HARPER'S Christmas number was fully up to its traditions and to the ideals of those who are endeavoring to make it more excellent than the past. It is much higher in the merit of its illustrations, as it seems to me, than ever before. I think the Editor's Drawer is exceedingly good in this number.

The January number of the year 1903 comes out before we are off the press, and, all in all, it is a better number than the Christmas one of 1902.

Ernest Jarrold gives a charming short story in the Drawer of this number, which is also admirably illustrated by Post.

James B. Connoily's story of Arctic Whaling of To-day is very interesting reading and well illustrated.

THE MENOAH, for December, contains, in its original contributions, "The Mock Wedding," by Samuel J. Hoffman. "Doctrine and Custom," by Maurice H. Harris, Ph. D. "The Borders of Dreamland," by Napthalie Hers. Imber. "The Reader," by J. L. Perez. "Amelioration," by Rebecca Altman, whose sketch of the "History of the Jews in China" is concluded in this number. It is filled with excellent selections and short articles, and announces that it ceases with tnis number to be the official organ of the B. Nai B. Ritch.

THE ALIENIST AND NEUROLOGIST. The November number, 1902, of this splendid Quarterly is on our table.

Prof. Dr. C. Wernicks, of Breslau, continues his lectures on "Outlines of Psychiatry."

Dr. George Ilberg, Supt. of Hospital for the Insane at Somertine, contributes a paper on "The Prognosis of Mental Diseases," translated by Dr. W. Alfred McCorn, M. D.

Dr. Jas. G. Kiernan, of Chicago, writes on "Kleptomania and Collectiveism.

In its Editorial columns comments are made on the success which has been attained by Dr. Love in his professional labors, in New York City, since his removal from St. Louis to the Metropolis, and quotes Dr. Joseph M. Matthews, Ex-President of the American Medical Association, former President of the State Board of Health of Kentucky, from the August number of his Journal, the *Louisville Monthly Jovrnal of Medicine and Snrgery*, who ascribes Dr. Love's success in New York to his enormous acquaintance with medical men. Among the other things Dr. Matthews says, is this:

"I am not overstating it in saying that he is the best-known man in the medical profession in America," and in speaking of Dr. Love's capacity for work as "scarcely unequalled, think of the value of Dr. Love's services in the capacity of referee if secured by one or more of the large insurance companies."

As we see and know of Dr. Love's wonderful success, aside from his splendid medcal equipment and medical attainments, we ascribe his advance in prominence, here, to his superiority in the lines he has chosen, over those with whom he comes into competition with here.

We do not underestimate the value of his acquaintance among the abler men of the medical prafession in all the American States.

New York is a great medical centre. Its facilities for the treatment of disease, now, is not excelled by Paris, London, Berlin or Vienna.

With a fair knowledge of the abilities of the men of the front rank in New York, it does not detract from the best of them to say, that he is quite their equal, and in many of those qualities which attract patients and command a counsel practice, he is vastly their superior, so that the ablest physicians who send their patients here for treatment select Dr. Love as consultant, on his merits, and usually, so far as we know, to the satisfaction of the patients themselves.

CALIFORNIA STATE JOURNAL OF MEDICINE. No. 1 of Vol I of this new Medical Journal is on our table. It is published by the State Medcal Society of California, through a publication committee.

Philip Mills Jones, M. D., George H. Evans, M. D., Henry Gibbons, Jr., M. D., Dudley Tait, M. D., and Chares D McGelligan, M. D., comprise the membership of the Publication Committee.

We look through the Constitution of the State Society and find, to our surprise, that it has no Committee on Medical Jurisprudence ! !

It has a Standing Committee on Nervous and Mental Diseases, and one on Medical Legislation and Education, otherwise it ignores Forensic Medicine.

It gives the announcement of the College of Physicians and Surgeons of San Francisco, and we see that Prof. Beverly L. Hodghead, B. L , is in the chair of Medical Jurisprudence, and we know that Dr. A. M. Gardner is Professor of Legal Medicine and Mental and Nervons Diseases in Cooper Medical College.

Why is the State Medical Society behind the age?

Should there not be attention paid to the proper education of the medical man as to his rights, powers and duties as a medical witness? And to the learning requisite to make him a competent Medical Expert in Medico-Legal cases? What about Railway and Military Surgery?

THE CENTURY. The Christmas number of this Journal is one of the best it has ever produced in its history.

It is in the artistic creations and work this excellence is best illustrated.

Howard Rule's sketch, "The Travels of the Soul," has four Illustrations. "The Wicket of Paradise," "In the Meadows of Youth," 'In the Valley of Shadows," and "At the Gates of Life," these are beautifully engraved in color by H. Davidson.

The illustrations of the sketch, "Animals in British Parks," by Charles R. Knight and J. M. Gleason, are Excellent.

LIPPINCOTT. The November number contains as its usual complete story, "The Other Man," by Frederic Riddale, with the usual selection of short stories, ot which the best is "Her Spirit Husband," by Dorothy Richardson.

The announcement for the Christmas number is a complete story "The Price of Fame," by Maude Roosewelt, with "Dinners of Fifty Years Ago," by MRS E. S. Bladeu, and eight short stories.

MEDICO-LEGAL SOCIETY.

DECEMBER, 1902.

(For List of Officers see Fourth Cover.)

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[From advance sheets Medico-Legal Journal and Vol. II Supreme Court of the States and Provinces of North America.]

SUPREME COURT.

SUPREME COURT OF NEW YORK,

BY CLARK BELL, LL. D., ESQ.

THE REVOLUTIONARY PERIOD AND THE SUPREME COURT UNDER THE CONSTITUTION OF 1777.

It is necessary to consider the situation of the people at the time of the organization of a sovereign State, at the critical moment when the administration and formation of the judicial power, was to be based on constitutional enactments, for the first time in the history of the people, then composing the inhabitants of the late Colony, which was to take its place in those American States which formed the American Union.

Although they had taken, as if by inheritance, and as a precious legacy; all the rights and liberties, which by the Dutch Constitution, affirmed and established the sovereignty as in, and of the people, and which, although recognized by the Dutch Courts and States General of Holland, they had never exercised or enjoyed, viz: the right of selection of their own rulers, nor allowed to be consulted in the choice of the Governors in whom had been vested executive, judicial and even legislative powers; up to that moment, no citizen had ever, in the exercise of his rights, participated in the selection of the Governors, in whom this supreme power was vested. From the moment that the English rule commenced in the Colony of New York, a conflict upon the rights of the people as to government and its powers and their rights had opened.

The Charter of Liberties adopted by the General Assembly, May 13, 1691, set out in clear terms, and declared their views of what these rights and privileges were in unmistakable terms.

The English Lords of Trade had vetoed this act May 11, 1697, and recommended that the Charter granted to Virginia, be enacted by the General Assembly of New York.*

This suggestion was not accepted, nor was it even considered by the colonists.

On the contrary in 1694, the General Assembly called upon Governor Fletcher to render an account for the disbursements of about £40,000 which they asserted had been misapplied.

This the Governor refused to do, and dissolved the Assembly.

The contest was on at the outset. The General Assemblies voicing the almost unanimous wish and demands of the people, constantly asserted in legislative enactments the will of the people as to the assertion of their political rights. The Governors, acting under the appointment of the English Government, and usually under rigid and specific instructions, sought to over-ride and counteract the wishes of the people, and to carry out the will and directions of the English throne.

A new General Assembly was chosen in 1695.

In June, 1697, the instructions given to the Earl of Bellamont, as Governor, with the veto of the Charter of Liberties, adopted by the General Assembly, in his commission, and in subsequent instructions given him was: The right to veto any measure adopted by the Assembly and Council, "to the end that nothing may be passed dangerous to the prerogatives of the English Crown." He was empowered to prorogue the Assembly, to institute courts, and to disburse the revenues. Officers could not be displaced without good and sufficient cause by the King, on charges in writing to the King. Schoolmasters could only be licensed by the Bishop, and a censorship of the press was ordered in these words: "You are to provide all necessary orders that no person keep any press for printing, nor that any book or matter whatsoever, be printed without your especial leave and consent first obtained."

Chief Justice Smith and Attorney General Grahame gave the Governor their opinion in writing: "That the king cannot by law establish Courts of Justice by his own authority; that

*NOTE.—A copy of this Charter of Liberties will be found at length in Colonial Laws of New York, Vol. I, pages 111–116.

it must be done by act of Assembly," and on May 13, 1699, Governor Bellamont forwarded this opinion to the Lords of Trade. The General Assembly refused to accede to the changes in the existing clauses to laws as required by the Governors recognizing the rights of the Crown as higher than that of the General Assembly.

The Governor sought to make the Church of England the established church, but it was sturdily and successfully resisted.

Frances Makemie, a Presbyterian clergyman, resisted the Governor's instructions which forbade any one to preach in the province without the Bishop of London's license or the Governor's permission.

He told the Governor to his face "Your instructions are no law to me." He was indicted, tried and acquitted by the Jury, Chief Justice Mompesson charging, "That the question was a doubtful one."

Governor Hunter's commission in 1709 gave him power and authority to make, constitute and ordain Laws, Statutes and ordinances for the public peace, with the consent of the Council and Assembly. This was resisted as the right of the people and not a prerogative of the crown.

These contests were constant and continuous, and the Governors frequently dissolved the Assemblies.

In 1708 Governor Hunter's commission empowered him to appoint Judges Commissioners of Oyer and Terminer, Justices of the Peace, with full power and authority, and with the advice and consent of the Council to erect, constitute and establish Courts of Judicature.

In 1709 the Assembly passed an act making all monies payable to a Colonial Treasurer. The Council amended it, making it payable to the Receiver General (an officer of the Crown) the General Assembly then passed an act denying the right of the Council to amend money bills.

In 1710, March 1st, the Queen's Council ordered the subject to be laid before Parliament, which was done in 1711, but the English Parliament refused to pass a Colonial Revenue tax act, notwithstanding the Tory party was in the ascendancy.

In 1711 a conflict between the Council and the Assembly as to the right of the Council to amend the money bills was met by the bold assertion, that "the inherent right the As-

sembly have to dispose of the moneys of the freemen of this colony does not proceed from any Commission, letters patent or other grant from the Crown, but from the choice and election of the people, who ought not to be divested of their property, (nor justly can), without their consent.

The Governor having opened a court of Chancery himself, the General Assembly on the 24th of November, 1711, resolved: "That the erecting a Court of Equity without their consent, is contrary to law, without precedent, and of dangerous consequence to the liberty and property of the subjects;" also "That the establishing fees without the consent of the General Assembly is contrary to law," and this contest was kept up without one concession by the Assembly, and scarcely any by the Governors.

On July 25, 1715, the Assembly voted a Revenue Bill for five years instead of one, in return for a general naturalization act, to which the Government had been opposed.

In Werner's Civil List and Constitutional History of New York, second edition, 1886, speaking of this situation, he uses the following apt language:

"The Governors of New York, throughout this contest, represented the real spirit of the English Monarchies. The election of William and Mary established the right of Parliament to control the Crown. Mary died three years before the veto of the Charter of Liberties, and William came to his death five years thereafter. Anne succeeding by virtue of the Bill of Rights. George became sovereign one year before Governor Hunter,s surrender, by virtue of the Act of Settlement, and his successors held by the same title. But William was, nevertheless, disposed to fully assert the royal prerogative, and Anne was by nature as despotic as her father (James II.). They were compelled to recognize the power of Parliament, but they resented it, nevertheless; the representatives of the land owners, who were the voters, asserting their absolute control of taxation. The two preceding sovereigns had been voted a revenue for life, and Parliament now saw the error. The first act of the first Parliament of William and Mary was to restrict the revenue grant to four years. William resented this, whereupon Parliament voted only annual supplies, and the policy has been since maintained, as affording the only effective way of controlling the Executive. Parliament also took the control of the army,

but it left the control of trade to the Crown, and no one proposed to remove the censorship of the press. Religious toleration was secured, and the practice of choosing a homogenuous ministry from the majority in Commons was introduced. But it was under the Whig Junto that the Charter of Liberties was repealed. The same year (1697), by the peace of Ryswick, William succeeded in his policy against France. The accession of the Tories to power, gave William the opportunity to prove that a consummate statesman may bend adverse elements to his will. The Grand Alliance and the Whig war received the reluctant approval of Tories, when the Tory Marlborough was given command, who pushed the king's policy to a successful issue. After William's death, Anne was compelled to declare from the throne her purpose to continue his policy. She did it, and in 1707, became the first sovereign of the United Kingdom of Great Britain. The Tories grew more bitter against the war, and in 1708 Marlborough was compelled to try and save himself by urging the Queen to restore the Whigs to power. In 1710, however, the Tories returned to power, and in 1712, the fall of Marlborough was made complete, by the creation of twelve Tory peers. Thus, was finally consummated, the great constitutional revolution, by which Parliamentary sovereignty became the organic law of Great Britain. The treaty of Utrecht was signed in 1713, and George I. ascended the throne in 1714. Under him and his successor, the Crown exerted no power. In character insignificant, with no personal attachments, Parliament had no difficulty in riveting its control of government. A Whig administration came into power with George I., and under this administration New York finally succeeded in establishing legislative supremacy. The strong hearts and stout arms of the colonists, however, alone brought deliverance. They received no support, either from Whig or Tory ministries. Thus, the great contest for civil liberty proceeded in this colony side by side with the great revolution in Great Britain, and triumphed with it, and over all administrations, both at home and in the Province.

The victory of the people went beyond the Parliamentary successes in Great Britain. It not only established the great doctrine that the Executive shall collect no taxes, not first granted by the legislative power; but it established the im-

portant principle that the taxes shall be collected and paid over to the Executive by the servants of the Assembly, in such manner as that Assembly may direct. The people, through their representatives, took absolute control of the revenue, no longer as a grant to royalty, but as the sovereign, raising the money needed to pay its own expenses, and the salaries of its agents and subordinates."

The struggle between Governor Clinton and the Assembly was still more intense, and lasted from 1746 until October, 1753, in which Clinton acted with great want of tact and the cause of the Assembly steadily improved step by step, during which the Indian War was carried on, the Assembly being sometimes dissolved, but slowly gaining ground.

On the resignation of Clinton, Sir Danvers Osborne, a brother-in-law of the Earl of Halifax, took the office on October 10th.

He repeated his instructions to the Council that the Assembly should be informed that they were required to "recede from all encroachments upon the prerogative, that they must afford permanent and definite support to the Government, while the public money was to be applied by the Governor's warrant, with the consent of the Council, and the Assembly, was never to be allowed to examine the accounts."

When informed that the Assembly would not accept any such conditions, he expressed great disquiet, and the same night committed suicide.

Lieutenant-Governor De Lancey became by law Governor, and succeeded him. He was Chief Justice of the Supreme Court, and was a leader of the popular or people's party.

This placed the Lieutenant-Governor, James De Lancey, in the gubernatorial chair, who was then Chief Justice of the Supreme Court of the Province, appointed May 21, 1733, and who served until his death, September 30, 1760.

He had been a popular leader on the side of the people, and had the difficult task of representing the policy of the throne, and at the same time retaining the confidence of the people. He endeavored honestly to be loyal to both, and the rights of the people steadily advanced, although the Lords of Trade constantly resisted the steps he favored.

In September, 1775, Governor Hardy came out, but was unable to come to terms with the Assembly, as to Revenue, and on December 1, 1756, the Assembly was prorogued.

It has been well said of De Lancey's administration that he had ably directed the development of the civil policy of the Province, to the end of making it an efficient mechanism for executing the will of the people, without impairing the efficiency of the Executive.

Encroachments upon the power of the Executive were made only when necessary for the purpose of public protection, and not for the purpose of making it subservient to the Assembly. Chief Justice De Lancey was a lawyer of marked ability. He had grown up with the province and was a skilful organizer. He did not manufacture a system, but it grew under his hands."—[Werner's Constitutional History, p 99, 2nd Edition, 1886.]

In the year that Chief Justice De Lancey died, George III. ascended the English throne. The condition became immediately one of most intense interest, in respect to the judicial system of the Province and the personnel of the Bench.

Mr. Werner's description of this situation is most ably put in the work I have cited. Speaking of the accession of George III., he says:

"Immediately a new conflict was commenced in the province. All commissions terminated on the death of a sovereign. The differences which had always existed with regard to the judicial power, now became the prominent issue. The Assembly proposed to pass an act to establish Courts of Judicature by law, instead of by prerogative. Judges were to be removed by the Governor on an address from the Assembly, or by the advice, at least, of seven members of the Council. The Lieutenant-Governor, the obseqious Cadwallader Colden, suggested that the King also be empowered to remove, thus preserving the prerogative of the Crown; and the lawyers of the province engaged in discussions of the distinction between commissions issued by act of Parliament, and those on appointment by the King. An act was passed that judges should hold office during good behavior instead of during the pleasure of the Governor. The Lords of Trade, 21st November, 1761, held that this was "subversive of that policy by which those colonies can be kept in a just dependence upon the government of the mother country." They said that "change which the tenure of office underwent at the Revolution, was in consequence of arbitrary and illegal interposition under the influence of the Crown, upon points

of the greatest importance to the Constitution and the liberty and rights of the subject," but salaries were at the same time settled upon them. The same circumstances, it was claimed, did not exist in the American colonies. "It is difficult to conceive a state of government more dangerous to the rights and liberties of the subject, aggravated as the evil would be, by making the judges' commissions during good behavior, without rendering them at the same time independent of the factious will and caprice of an Assembly," by providing permanently for their support. In accordance with these views, instructions were issued to Governors on the 3rd of December, "that you do not, upon any pretense whatever, upon pain of being removed from your government, give your assent to any act by which the tenure of the commissions to be granted to the Chief Judge or other justices of the several courts of judicature, shall be regulated or ascertained in any manner whatever, and you are to take particular care in all commissions to be by you granted, that they be during pleasure only agreeable to ancient practice and usage."

The records of the General Assembly, on nearly every page, express the regard of the colonists for law, as well as their devotion to the rights of the people. The lawyers of the province were a unit in their construction of law. In English political nomenclature, they were all Whigs together. Bench and bar stood as one in defense of the liberties of the people.

So tenacious were they, that Colden, in a letter to the Lords of Trade (January 11, 1762), referring to De Lancey, said that they had not long since "a glaring instance" of the political power of a Chief Justice appointed for life. It was this power which it was determined to secure on the side of royalty. To do it, it was necessary to import a lawyer. Benjamin Pratt arrived from Boston in October, 1761, and in November he was commissioned Chief Justice during his Majesty's pleasure. This excited great indignation. The Assembly absolutely refused to grant any salary to the Chief Judge, or to any of the justices unless their commissions were issued during good behavior, and they would grant the appropriation for one year only. The Council tried to persuade the Assembly to make salaries of Judges continuous with their commissions, but without effect. The Judges presented a memorial to the Lieutenant Governor reciting that the

commissions formerly granted to them by the late Governor were during good behavior, and declined acting unless the new commissions read in the same way! Pratt alone served, and he was compelled to do it at the expense of his private fortune. The Lieutenant-Governor recommended that he be paid out of the quit rents, and Pratt (May 24, 1762), made the same request, stating that his salary had been denied him by three successive sessions of the Assembly, and that he had nothing to hope for from that or any future Assembly. The quit rents, therefore, were set apart, as a fund from which to pay his salary. The Assembly made an appropriation of salaries, on condition that the commissions issue for good behavior; and the Lords of Trade (June 11), censured the Lieutenant-Governor for approving the act, saying that no personal considerations "ought to have induced you to acquiesce in such an unprecedented and unjust attack upon the authority of the Crown." The death of Pratt terminated the controversy, and in March, 1763, Governor Monckton issued new commissions for all the judges.

Between the organization of the Supreme Court and the Revolution eleven Chief Justices had served. Joseph Dudley, who only served 18 months, William Smith, who served nearly eight years; Stephen Van Cortlandt, who only served less than one month and died; William Smith, who had served acceptably to the people before, who was succeeded by Abraham De Peyster, who never sat in a case, but only sat for process purposes, appointed January 21, 1701, and was succeeded by William Atwood, and who only served until June 9, 1702, when he was succeeded by William Smith, again re-appointed and serving till April 5, 1703, was succeeded by John Bridges, who died, and was succeeded by Roger Mompesson, who was friendly to the people, and served until his death in June, 1718, when he was succeeded by Lewis Morris, who served until he was succeeded by James De Lancey, who had sat as Associate Judge since June 24, 1731, who was a favorite of the people's party, and who held the position of Lieutenant-Governor of the Province.

He took the office on August 21, 1733, and held it uninterruptedly until his death in 1761, most acceptably to the people of the Colony and to the Bar, a period of twenty-eight years and upwards; he was succeeded by Benjamin Pratt, who was not a native of the Province, and who died in 1763, and

was succeeded by Daniel Horsmanden, who was appointed March 16, 1763, who acted in the commencement of the American Revolution when the Court was composed of Chief Justice Horsmanden and Robert R. Livingston, George D. Ludlow and Thomas Jones, Associate or Puisne Judges.

Of these Chief Justices Atwood, Bridges, Mompesson, Morris, De Lancey, Pratt and Horsmanden were lawyers; Smith, Van Cortlandt and De Peyster were merchants, and Dudley had studied divinity, but abandoned the cloth and became a politician.

Of the Associate or Puisne Judges during all the period from 1691 to the Revolution, of which a list will be found in another chapter. The following: David Jones, John Chambers, William Smith, the elder; Robert R. Livingston, George D. Ludlow and Thomas Jones were lawyers, and Justices Pinhorne, Walters, Wenham, Adolph and Frederick Philipse were merchants.

The Supreme Court, as a tribunal, was not at all objectionable to the people of the Colony.

It had not come in conflict with the popular rights, and its administration had been in accordance with the popular feeling.

There was no objection to the Tribunal, as a body.

The popular distrust of the Court of Chancery could not as matters then stood have been satisfied, except by a complete re-organization.

The question of an elective judiciary had not then been at all agitated, and the higher rights of the people in framing a Constitution, in electing a Governor by popular vote, and establishing of a Government, in which the rights of the people were finally stated and assured, were the commanding questions of the hour.

The Tribunal of Justice was transferred from the Colony to the State, as a transition, and the Supreme Court and the Court of Chancery were not created or provided for in the new Constitution. They were simply recognized as existing under the new order of things, by the new Constitution.

The battle of Lexington was fought on April 28, 1775, and the New York Committee of Safety had called on the people of the Colony, in all the counties, to send delegates to a Provincial Congress.

On May 23, 1775, the first Provincial Congress had been held at the City of New York, which sat from that date to the fourth of November of that year.

A second, third and fourth Provincial Congress had followed the latter, assembling at White Plains, because the British were in possession of the City of New York.

The Continental Congress had on the 15th of May, recommended to the United Colonies to provide by conventions, some form of government to meet the exigency of the hour. All the thirteen Colonies had followed the advice except Rhode Island and Connecticut, the colonists in those Colonies not recognizing the authority of the Crown of England in their internal affairs.

New York, on July 10, 1776, had in convention, changed its name from the "Provincial Congress of the Colony of New York," to "The Convention of Representatives of the State of New York," and had adjourned on July 29, 1776, first to Harlem, and thence to Fishkill, where they assembled under arms, September 5, 1776, fearing an attack by the British troops. They then on February 19, 1777, adjourned to Kingston, where on April 20, 1777,the first constitution of the State of New York was adopted. This convention on May 13, 1777, elected John Jay, Chief Justice, and Robert Yates and John Morris Scott, Associate Justices.

General Scott declined the office and John Storrs Hobart, who had received the next highest number of votes was declared elected an Associate Justice. Robert R. Livingston was elected Chancellor, and Egbert Benson, Attorney-General.

A Council of Safety, of fifteen persons, was the same day elected. A Council of Safety to carry on a temporary government until the Constitution could be put in force and operation, and a plan of government was reported to the Convention and adopted, recommending the election of the named members of the Supreme Court, Chancellor and Attorney-General, which was adopted.

The plan provided for the election of a Governor, Lieutenant-Governor, a Senate and an Assembly, and for County officers, named by the Convention, and on May 13th, this Convention dissolved, and on May 14th the Council of Safety took up the reins of government.

On May 20, 1777, the Council issued a commission to the Supreme Court, and directed that until the Legislature acted, the Court should sit at Kingston on the same dates as had been established in 1784.

The people of the Colony of New York had changed during the intervening years of English rule, between 1664, when Governor Nichols had assumed the Executive chair, and 1777 when this convention assembled, to create a new government and transform a colonial dependency of Great Britain into a Sovereign State in the American Union.

More than a century had elapsed, the colonists were no longer a body of Dutch settlers from the Netherlands. The Scotch, the Irish, the Hugenots, the Swedes, and all Europe had contributed to change the state of public sentiment of the city and State of New York. The descendants of the Pilgrims of the Mayflower had also come in large numbers to the State.

England had sent out officers and public officials, but few Englishmen had become citizens in fact, and had not as a rule become naturalized.

The judicial system of the Colony, on April 19, 1779, was satisfactory to the people.

It had been a growth, and very recent events had demonstrated that the Courts were loyal to the cause of the people, notably in the matter of appeals in civil cases in 1774, when Judge Horsmanden and his associates held against the government, and in favor of the popular view of the grave question of the hour, as to the right of the King to require the Governor to allow an appeal to the Governor and Council, from the judgment of the Supreme Court, in civil actions. The Court of Chancery was not in itself, obnoxious to the people. It was the manner in which it had been created, by the royal prerogative, and power without the consent of the General Assembly, and in forcing Chancellors upon the colony over the protest of their representatives in General Assembly, chosen to represent the people, to which the people of the Colony objected, rather than to a Court of Chancery per se.

The Governor and Council had exercised the appointing power for all the years of the colonial existence.

Who should elect the Governors, and where the source of their power was to be derived, was the supreme question in the minds of the people.

The whole machinery of the Government was transferred by the Constitution of 1777, substantially unchanged, except that the people chose their own Governor and State officers, instead of the same being appointed by the throne, and the appointments of subordinate officers was left to the Governor and Council for appointment. The Lieutenant-Governor was made an elective officer by the people, but nearly every other civil or military office was appointed by the Council, over which the Governor presided and had the power of originating the nominations.

The Courts for the Trial of Impeachments and the Correction of Errors, was created, to be established under regulations to be adopted by the legislature to consist of the President of the Senate, the Senators, Chancellor and Judges of the Supreme Court, or a major part of them which the Legislature organized November 23, 1784.

The Supreme Court, as thus constituted, soon became an invincible bulwark against a monstrous usurpation. In 1764, Thomas Forfay obtained judgment in a case of assault and battery against Waddel Cunningham, and a motion for a new trial was denied. Robert Ross Wadel, agent for defendant, then prayed for an appeal from the verdict and judgment to the Lieutenant-Governor and Council, which was denied on the ground that no such appeal could be had. Colden thereupon directed the Supreme Court to forbear proceeding until the cause and merits were heard by Lieutenant-Governor and Council. On the 14th of November, 1764, Chief Justice Horsmanden stated to the Lieutenant-Governor and Council the reasons why the Supreme Court made no return as commanded, and on the 19th presented the opinion of the court in writing. The Attorney-General decided that the Council could only correct errors. Other justices read their reasons subsequently. The Council unanimously rendered an opinion, January 11, 1765, that no other than an appeal in error could lay to them. Notwithstanding this, the king issued an order in Privy Council July 26th, allowing appeals to Governor and Council from the verdicts of juries on questions of fact. This order was laid before the Council October 9, by Colden, and on the 15th a writ was issued to the Supreme

Court. On the 12th of November, the Chief Justice made a return that the justices of the Supreme Court found it impossible (as the law knew of no appeal from a verdict), to comply with the command. On the 15th of December the General Assembly adopted resolutions thanking the Supreme Court and the Council, sustaining their action, condemning the illegal proceedings, affirming the right of trial by jury, and affirming "that an appeal from the verdict of a jury is subversive of that right, and that the Crown cannot legally constitute a court to take cognizance of any such appeal."

England was now learning, what New York was soon to learn that Parliaments and Assemblies are not impregnable securities against arbitrary power. The Whig party became disorganized, and a faction, known as "the King's friends," sought by employing the most corrupt means, by promises of place and bribes of money, to control Parliament. The press now became to England, as it had been to New York, an agency for the protection of the people. Bute was driven from office in 1763, and Granville took his place. In 1764, oppressive commercial enactments were passed by Parliament, which led to earnest remonstrances by the Colonies. In an address to the Lieutenant-Governor (September 11), the Assembly expressed the hope that he would "join with us in an endeavor to secure that great badge of English liberty, of being taxed only with our own consent." The Lords of Trade, in an address to the king, December 11, 1764, said that the New York Assembly, in their address to the Lieutenant-Governor, avow powers and make declarations of a dangerous tendency; and they said of a letter from a committee of the Massachusetts Legislature, to the agent of the colony, that "the acts and resolutions of the legislature of Great Britain are treated with the most indecent respect, and principles of the most dangerous nature and tendency openly avowed." They doubtless regarded the petitions of the Assembly of New York to the King, Lords and Commons, under date of October 18, 1764, as equally "dangerous." To the King the Assembly said, "The subject, by the laws of our happy Constitution, carries with him his allegiance to the most distant corners of the earth; and the protection of his constitutional rights and privileges is the true reason of that allegiance." They claimed to "have the highest reason, from the hitherto uninterrupted enjoyment of their civil

Chief Justice Supreme Court of
the Colony of New York.

SIR EDWARD ANDROS,
Colonial Governor of New York.

THOMAS JONES,
Associate Justice Colony of New York.

[*From advance sheets Medico-Legal Journal and Vol. II Supreme Court of the States and Provinces of North America.*]

rights and liberties as individuals, to consider themselves in a state of perfect equality with their fellow subjects in Great Britain, and as a political body, enjoying, like the inhabitants of that country, the exclusive right of taxing themselves; a right which, with the most profound submission be it spoken, whether inherent in the people or sprung from some other cause, has received the royal sanction is at the basis of our Colony State, and become venerable by long usage." To the Lords they said: "Ever since the glorious Revolution, in which this Colony displayed the most distinguished zeal and alacrity, we have enjoyed the uninterrupted privilege of being taxed only with our own consent, given by our Representatives in General Assembly. This we have ever considered as the inextinguishable right of British subjects, because it is the natural right of mankind.* * * The amazing powers vested by some of the late acts of trade in the Judges of the Vice Admiralty Courts, who do not proceed according to the course of the common law, nor admit of trials by juries, one of the most essential privileges of Englishmen, has so unfavorably an aspect on the property of the subject, that we could not, consistent with our duty, suppress our apprehensions." At the same time, they were careful to remark that "the claim of an exemption from being taxed by the supreme legislative power is far from involving in it the notion of independency." To the House of Commons they said: "An exemption from the burden of ungranted, involuntary taxes must be the great principle of every free State.* * * The people of this colony, inspired by the genius of their mother country, nobly disdain the thought of claiming that exemption as a privilege. They found it on a basis more honorable, solid and stable; they challenge it and glory in it as their right."

SUPREME COURT.
(COLONIAL.)

The Supreme Court was originally established by an act of the Legislature, May 6, 1691, continued by divers acts, which having expired by limitation in 1698, the court was continued by proclamation January 19, 1699, and finally by ordinance of the Governor and Council, dated May 15, 1699.

It was empowered to try all pleas, civil, criminal or mixed, as fully and amply as the English Courts of King's Bench,

Common Pleas and Exchequer, and was possessed of all the powers of those courts, though it was not supplied with their officers, and did not proceed on the equity side. Any action amounting to upwards of twenty pounds could be commenced in or removed to it. It could correct the errors and revise the judgments of inferior courts. Appeals lay from it to the Governor and Council, for any judgment above £100 sterling, which sum was increased in 1753 to £300. It had four terms in a year, and always sat in the City of New York; the practice was modelled after that of the King's Bench. By act of the General Assembly, the judges were made Judges of Nisi Prius, and annually performed a circuit through the counties, at which time they also had a commission of Oyer and Terminer and general jail delivery, in which some of the County Judges were joined. This commission was issued by the Governor, and was directed to the judges named in the commission.

The Court consisted at first of five judges, two of whom, together with the Chief Justice, constituted a quorum. From 1701 until 1758, it was composed of a Chief Justice and two Associate or Puisne Judges. In November, 1758, a fourth judge was added. In 1769 the distinction of the Associates as second, third and fourth was abolished, and thenceforth the Puisne Judges ranked according to the dates of their commissions. In 1691 the salary of the Chief Justice was £130, and Associate Justices £100. In 1702 he received £300 and a fee of ten shillings on the first motion in every cause; the second judge £150, the Associate £50. In 1765, the Chief Justice was allowed £300, and the Associates £200 for holding the circuits. In 1774, the Chief Justice received from the Crown £500 sterling, and £300 New York currency from the province. The Associate Justices each received £200 provincial currency and fees.

The Judges and those practicing before them, wore no particular costume, nor was there any distinction or degrees among the lawyers. Persons who had served seven years under an attorney, or had taken a collegiate course and served three years' apprenticeship, were granted licenses to practice in this Court by the Governor, under his seal, on the recommendation of the Chief Justice, and on subscribing the usual oaths."

The Supreme Court as it existed at the time the Constitution of 1777 was adopted, had been created and continued by an act of the General Assembly, passed May 6, 1691. (O. S.)

This Act is found in the type roll MSS. deposited in the State Library at Albany,—also in Laws of New York, Bradford's Edition (1694), page 2, in Secretary of State's office.

This act was assented to by the Governor and Council and became the law under which the Supreme Court was organized.

This act organized Courts of Justice of the Peace for every town; affirmed the powers of the Courts of Mayor and Aldermen in the Cities of New York and Albany; provided for a high Court of Chancery, the same as in the Act of 1683; created a Court of Sessions and one of Common Pleas for every county, and a Supreme Court of Judicature.

This Court was to consist of at least five judges, "appointed and commended for that purpose," two of whom, together with one Chief Justice, should be a quorum, was to be held on the first Tuesdays of April and October in each year, for the space of eight days at the City of New York.

It was authorized and empowered to try and determine all pleas, civil and criminal and mixed, as fully and amply as the English Court of King's Bench, Common Pleas and Exchequer.

Any action of debt or damage where amount claimed was twenty pounds or upwards, could be commenced in or removed to said Court.

Any judgment, information or indictment pending the Courts of Mayor and Aldermen, Sessions or Common Pleas, could be removed to this Court, which might correct errors in judgment or revise the same, if the judgment was for more than twenty pounds.

The judges of the Court were empowered to make and adopt rules of practice. This act established trials by jury in all the Courts (except Justices Courts, and then also on consent of parties), in all cases, except where defaults had been taken or facts agreed upon.

Appeals lay from the decisions of this Court to the Governor and Council in all cases where the judgment was above one hundred pounds.

In 1753 this amount was raised to three hundred pounds.

The old Court of Oyer and Terminer was not continued by this Act, but its name was retained as a designation of the Criminal Courts, which still remains in our existing system.

THE COUNCIL.
(COLONIAL.)

This body consisted at first of seven members but was increased to twelve members, any three forming a quorum. In all acts of civil government they acted as a Privy Council to the Governor.

They could be appointed and suspended by the Governor at any time until the will of the Crown could be ascertained.

They were usually appointed by the direct commmission and under sign manual of the king. They formed the Upper House or Senate, in the colonial legislature, and acting with the Governor, composed the highest appellate court of last resort of the Colony.

When they sat as a court or as Privy Council they met at the Fort; when as a legislative body they assembled at the City Hall.

They were convened by the Governor whenever they acted as Court or Privy Council, who presided over and sat with them. As Senate in the Legislature, the Governor did not convene them, nor sit with them. In their legislative capacity seniority had precedence, and the oldest member presided and acted as Speaker of the body. In such cases the chairman had no voice in a committee; one of their members bore their messages to the Assembly.

It was the usage for the Assembly to arise and receive the message from the Council standing.

The members of the Council received no salary. It was an office of great honor and distinction and in the latter years of the Colony it was an onerous and laborious position.

It was considered a high professional distinction by the Bar of that day, and eminent lawyers sought and exercised that office.

This Council became a body carrying great weight in the Colony, and a seat upon it was regarded as a great distinction. It sat, as did the General Assembly, with closed doors, and strangers were not permitted to be present at the meetings.

On November 11, 1692, this Act establishing the judiciary system was extended for two years farther than the time lim-

ited by the first act, and additional terms for the Court provided for in the Counties of Orange, Albany, Ulster, Dutchess, Westchester, Kings, Queens, Suffolk and Richmond, and it instituted the system of one judge going and holding the Court in these counties, assisted by two or more of the Justices of the Peace.*

This is the beginning of what later came to be the plan of holding the Circuits.

The time limitations of these acts were extended, October 25, 1695, for two years, and on April 21, 1697, for one year longer**

In 1699 no extension was passed, and there was no judicial organization in the Province, but in 1699 by an ordinance of Governor Bellamont and his Council these Courts were established (with the exception of the Court of Chancery), on the same basis and footing exactly.

From the period of the ordinance of Governor Bellamont to the Revolution, these Courts thus constituted, had continued until the Revolution.

The Act of 1691 had provided for at least five judges, a Chief and four Associate Justices, but the ordinance of Lord Bellamont made no provision as to the number.

The appointments made under the Act of May, 1691, were: Joseph Dudley, Chief Justice; Thomas Johnson, second Judge; and William Smith, Stephen van Cortlandt and William Pinhorne Associate Judges. The salaries were to the Chief Justice, one hundred and thirty pounds, and one hundred pounds to the second judge, but no salaries to the other Judges or the Attorney-General

Governor Fletcher had removed Chief Justice Dudley as a non-resident, August 30, 1692, and on June 7, 1698, he removed Justice William Pinhorne for "speaking disrespectful words of the King," and on the same day Justice Chidley Smith, (Cary's Ed., 93 Brooke), for "carelessness, negligence and backwardness."***

*See Bradford's Laws of New York, Ed. 1694, page 64.

**See Parliamentary Roll Mss. Laws.

***Council Minutes Vol. 8, pages 46–47.

In 1701 Chief Justice Atwood claimed that the Chief Justice could alone hold the Court,** and he so held the Court, but in that year Abraham De Peyster and Robert Walters were appointed Associate Justices. The Court was then continued as Chief Justice and two Associates until 1758, when David Jones was, on November 21 of that year, appointed Fourth Justice, or Third Associate Justice of that Court. From this time until the Revolution the Court consisted of a Chief Justice and three Associate or Puisne Judges.

**See his Memorial to the Lord of Trade. Col. Doc. 4, Lord Doc. 15, 923

COURT OF ADMIRALTY (COLONIAL).

BY CLARK BELL, ESQ., LL. D.

This Court was a civil law court in the early history of the Colonies, with maritime jurisdiction in New York, New Jersey and Connecticut. It had jurisdiction, by the Governor's commissions and various statutes, so as to include every violation of the laws of trade.

Under the Dutch colonial rule the Governor and Council constituted this court. The Court of the Schout Burgomasters and Schepens in 1653, in Governor Stuyvesant's time, had authority to try admiralty cases.

An appeal lay to the Amsterdam Chamber.

The Dutch were peculiarly a maritime nation, and they were familiar with admiralty law from early times.

In the sixteenth century Holland had established five Admiralty Colleges, one in Rotterdam, one in Amsterdam, and in Middleburg, in Zealand; Heora, in North Holland; and Hartington, in Friesland. Each college had its admiral, vice-admiral, captains, subordinate officers and counsellors appointed for the several towns in each department.

Their jurisdiction embraced everything connected with navigation; the security of the ports, and the efficiency of the navy.

Their powers and duties extended to and embraced the determination of every difference arising along the coast, in the ports or upon the open sea.

Under English rule its jurisdiction extended to the decision of all maritime cases, and the proceedings were the same as in the English High Court of Admiralty.

This Court determined whether captures taken were lawful prizes. It also had jurisdiction for penalties or forfeitures relating to the revenue or naval laws.

The first Court of Admiralty in New York under English rule was established by Governor Fletcher, under direct warrant of authority from the Lords of the Admiralty in England.(1)

In 1768, under Governor Andreas' rule, admiralty cases were tried in the Mayor's Court, composed of Mayor and Aldermen, under the charter granted by him in 1675, and special commissions.

This was in accordance with the Dutch jurisprudence and system of that era; and although he had authority to create such a court, he never exercised it.(2)

In 1682, Governor Dongan was authorized by the Crown to institute a Court of Admiralty. He went no further than to commission a judge, who heard several cases.

In 1690 Governor Wister appointed Peter De Lancey judge of a Court of Admiralty with English associates, any six of them (Delancey to be one), should compose the court. It acted only five days, on special cases on French vessels captured and brought into New York harbor.(3)

On July 2, William Pinhorne was appointed Judge in Admiralty by Governor Fletcher and Council.(4)

In November, 1694, Governor Fletcher in his letter to the Lords of Trade, called attention to the fact that his commission did not give him full and requisite powers.(5)

On April 29, 1697, the English Lords of Admiralty, issued commissions to William Smith, as Judge; John Tuder, as Register; and James Graham as Advocate of a Court of Vice-Admiralty of New York, Connecticut and East New Jersey, and Jarvis Marshall as a marshal of said court.(6)

Lord Belamont's commission gave him authority to appoint judges and lesser officers of the Court of Admiralty, and to report such appointments to the Lord High Admiral of England for approval. In 1701, William Atwood, who was named as Chief Justice of the Supreme Court, was also commissioned a Judge of the Court of Admiralty.(7)

(1) See Cornbury's letter to the Lord of Trade, 4 Col., Doc. 1000.
(2) Vide 1 Doc., History of New York, p. 60.
(3) 2 Doc. History, p. 296.
(4) 7 Constitution Minutes, p 199.
(5) 4 Colonial Docket, p. 112.
(6) Vol. 2, Record of Commissioners, p. 124.
(7) 4 Col. Doc., 1000.

The office of Attorney-General of the Supreme Court was also made to embrace that of the Judge Advocate of the Admiralty Court.

On June 13, 1702, John Bridges was appointed by Governor Cornbury and Council, Judge of Vice-Admiralty of New York.

In 1703, Governor Mompesson was commissioned Judge of the Admiralty Court of Massachusetts bay, New Hampshire, Connecticut, Rhode Island, New York, the Jerseys and Pennsylvania.

Later the large jurisdiction was cut down, and on October 5, 1721, Francis Harrison was appointed Judge of Admiralty for New York, Connecticut and East and West Jerseys, and on the 23rd, Captain John Fred was made marshal and sergeant-at-arms of that court.

In 1760, November 5, Lewis Morris, John Chambers, Daniel Horsmanden, David Jones, William Smith, John Cruger, Simon Johnson and Robert R. Livingston, were commissioned a court for trying and punishing crimes and offenses committed upon the seas.

By Acts of 1763 and 1768, violations of laws of trade were brought within the admiralty jurisdiction of this Court.

Prior to 1768 appeals lay from its decisions to the High Court of Admiralty in England.

In 1768, appeals were by special act in certain cases heard at the Court of Vice-Admiralty in the Province.(8)

Governor Tryon, in his report made in 1774, states that an appeal lay from the decision of the Court of Admiralty, "to a Supreme Court of Admiralty, lately established in North America by statute."

In 1774, Judge Morris having sided with the colonies, resigned his seat as Judge of the Court of Admiralty.

In 1776, the New York Provincial Convention appointed him Judge of the High Court of Admiralty of New York, and named a register and marshal.(9)

Judge Morris resigned, and Lewis Graham was appointed Judge in his stead August 5, 1776, and commissioned July 17, 1788.(10)

(8) British Statute-at-Large, Vol. 13, pp. 14 and 15.

(9) Journal Prov. Con., New York, Vol. 1, p. 550.

(10) Vol. 1, New York Prov. Con., p. 554.

Pursuant to an act of the Continental Congress of October 13, 1777, appeals lay from Courts of Admiralty to a Committee of Congress.

Under the Articles of Confederation, of July 9, 1778, the jurisdiction and the constitution of the United States vests the Admiralty jurisdiction exclusively in the Federal Courts, and on the adoption of the Constitution of the United States in 1789, all jurisdiction in Admiralty in the State Courts ceased.

The power of that court has been exercised by the United States District Courts.

The seal of the State Court of Admiralty was oval, and had for its device the figure of Neptune in a car drawn by sea horses, holding in the right hand an American flag, in the back ground a ship.

LEGEND: Seal of the Court of Admiralty, State of New York.

The officers of the Court of Admiralty were as follows:

COURT OF ADMIRALTY (COLONIAL).

JUDGES.

Steph. van Cortlandt,	Oct. 5, 1678	William Smith,	April 29, 1697
Thomas Delavall,	June 18, 1679	William Atwood,	Aug. 4, 1701
Lucas Santen,	Sept. 15, 1683	John Bridges,	June 13, 1702
John Palmer,	May 27, 1684	Roger Mompesson,	April, 1703
Mathias Nicolls,	Sept. 11, 1686	Caleb Heathcote,	1715
Peter De La Noy,	1690	Francis Harison,	1721
Joseph Dudley,	Mar. 26, 1691	Daniel Horsmanden,	July 29, 1736
Thomas Johnson,	Mar. 26, 1691	Lewis Morris,	Nov. 5, 1760
William Smith,	1693	Richard Morris,	Aug. 2, 1762
William Pinhorne,	July 2, 1696		

ADVOCATES-GENERAL.

John Tuder,	1684	Attorney-General (ex officio),	1700
Jacob Milborne,	1690		

REGISTERS.

Samuel Leete,	1675	William Sharpas,	July 2, 1696
William Nicoll,	1683	John Tuder,	April, 1697
John Spragg,	May 27, 1684	Robert Robinson,	Mar. 30, 1709
Georgo Brewerton,	1690	Richard Nicholls,	April 7, 1763
John Tuder,	Mar. 24, 1691		

MARSHALS.

Thomas Ashton,	Oct. 6, 1675	Robert Crannell,	1707
John Cavelier,	May 27, 1684	John Fred,	Jan. 3, 1739
George Underhill,	1690	Joseph Wilson,	Jan. 27, 1755
Benjamin Phipps,	1691	Thomas Ludlow,	May 15, 1769
Jervis Marshall,	July 7, 1691	Thomas Ludlow, Jr.,	1775
Richard Stoaks,	1696		

THE COURT FOR THE CORRECTION OF ERRORS AND APPEALS.

(COLONIAL.)

This Court was established in 1691, under the English rule.

It was composed of the Governor and Council, and when convened as a court, assembled at the Fort.

Its powers were appellate, and under English rule were almost exactly those exercised by the Court for the Trial of Impeachments, and the Correction of Errors, as established by the 32nd Section of the Constitution of 1777, and will be described under that heading.

Under Dutch rule the powers of this Court were exercised by the Governor and Council.

In the English colony appeals lay to it from any judgment exceeding in value £100 sterling, which was later increased to £500 sterling.

An appeal lay from its decision, if the amount exceeded £500, to the King in Privy Council, if the appeal was taken within fourteen days, and the appellant gave bond for final judgment and costs.

If the Episcopal Church was concerned, appeals lay without reference to the amount in controversy.

COURT OF EXCHEQUER.

(COLONIAL.)

A Court of Exchequer was erected by Gov. Dongan in 1685, and was composed of the Governor and Council. It had jurisdiction over all matters relating to his Majesty's lands, rents, rights, profits and revenues. The act of 1691 gave the Supreme Court cognizance of matters in exchequer, thus doing away with the necessity for a separate Court of Exchequer.

PREROGATIVE COURT.

(COLONIAL.)

This Court concerned itself only in the probate of wills and in matters relating to the administration of the estates of intestates, and granting licenses of marriage. The authority to grant probates of wills was vested by the Duke's laws in the Court of Assizes and the Courts of Sessions, the Mayor's Court also exercising like jurisdiction. Where the estate exceeded £100, the wills and other instruments of administration were recorded with the Provincial Secretary in the city of New York, otherwise, with the Clerk of the Court of Sessions.

Granting probates being a part of the Royal prerogative, was subsequently reserved, by the Royal instructions, to the Governor or person administering the Government. In accordance with this principle, the Legislature passed a law, Nov. 11, 1692, directing that all probates and letters of administration be thenceforth granted by the Governor or his Delegate, under the seal of the Prerogative office, and that two freeholders should be elected or appointed in each town to have charge of the estates of intestates, which duty, under the Duke's laws, had been performed by the Constable Overseers and Justices. All wills relating to estates in New York, Orange, Richmond, Westchester and Kings counties, were to be proved at New York; in the more remote counties, the Court of Common Pleas was authorized to take the proof and transmit the papers to the record office for probate. In 1750 the provision was extended to Orange; and subsequently to the more remote northern counties. Surrogates, with limited powers, were appointed in other counties at an earlier date, as will be seen by the list annexed:

ORDINARY OF THE PREROGATIVE COURT.

The Governor.

REGISTER AND PRINCIPAL SURROGATE.

Sec'y of the Province,	1692	Goldsborow Banyar,*	Oct. 12, 1753
Stephen van Cortlandt,	Sept., 1696	John Godby,*	June 6, 1754
The Council, or any three of them,	Sept. 9, 1702	Goldsborow Banyar,*	June 7, 1762
John Bridges, LL. D.,	Sept. 9, 1702	John French,,	Oct., 1766
George Clarke, or his deputy,	1703	Francis Child, deputy,	July 7, 1768
S. S. Broughton,*	Aug. 8, 1704	Philip Livingston,	Aug. 18, 1768
Thomas Wenham,*	Apr. 10, 1705	Francis Child, deputy,	Apr. 26, 1769
Isaac Bobin,*	Aug. 26, 1721	Goldsborow Banyar,	Sept. 13, 1769
		Edmund Fanning,	1771
		Samuel Bayard, Jr.,	1774

ALBANY.

John De Peyster,	April 3, 1756	Peter Lansingh,	Dec. 3, 1766
William Hannah,	Nov. 18, 1766	Stephen DeLancey,	Sept. 19, 1769

CHARLOTTE.

Patrick Smith, Jan. 28, 1775.

CUMBERLAND.

Thomas Chandler,	July 16, 1766	Crean Brush,	April 14, 1771

ORANGE.

Henry Ludlow,	June 17, 1727	John Gale,	July 6, 1759
Judges of Com. Pleas,	Nov. 24, 1750	Edward Smith,	1762
William Finn,	Dec. 2, 1754		

QUEENS.

John Bridges,	Jan. 4, 1721	Samuel Clowes,	Dec. 8, 1759
John Messenger,	Oct. 23, 1748	Thomas Braine,	Dec. 8, 1759
Samuel Clowes, Jr.,	Nov. 23, 1748	Edward Dawson,	April 23, 1767

RICHMOND.

Walter Dongan,	1735	Benjamin Seaman,	Dec. 8, 1759

SUFFOLK.

William Smith,	May 15, 1691	William Thorpe,	Nov. 29, 1754
Giles Silvester,	June 13, 1706	Samuel Landon,	Feb. 9, 1757
Joseph Fordham,	April 14, 1709	Richard Miller,	Dec. 3, 1766
Jekamiah Scott,	1723	William Smith,	Dec. 20. 1766
B. Sylvester,	1727	Jared Landon,	April 19, 1768
Henry Smith,	1739	Nathan Woodhull,	Jan. 6, 1769
Malby Gelston,	Dec. 2, 1753	David Gelston,	Jan. 27, 1775
Elijah Hutchinson,	Dec. 2, 1753		

ULSTER.

John Elting,	Mar. 14, 1760	George Clinton,	Aug. 26, 1765
Petrus Edmondus Elmendorph,	May 14, 1762	Joseph Gasherie,	June 25, 1766

WESTCHESTER.

Gilbert Willett,	1730	Caleb Fowler,	June 10, 1761
John Barton,	Feb. 9, 1754	David Daton,	June 19, 1766

* Deputies to Mr. Clarke.

CIVIL DIVISIONS (COLONIAL).

Under the Dutch the only divisions were the city and towns. In 1665, a district or Sheriffalty, called Yorkshire, was erected. It comprised Long Island, Staten Island and part of the present county of Westchester. For judicial purposes it was divided into three Ridings. The East Riding comprised the present county of Suffolk; the West Riding, Staten Island, Kings county, New town and part of Westchester; the North Riding, all the present county of Queens, except New town.

Counties were erected, for the first time, by the act of 1683, and were twelve in number, as follows:

Albany, Cornwall, Dukes, Dutchess, Kings, New York, Orange, Queens, Richmond, Suffolk, Ulster and Westchester.

Cornwall, now in the State of Maine, and Dukes, in Massachusetts, were receded by New York, and were never represented in the Legislature of that province after 1691.

Cumberland county, in 1766, Gloucester in 1770, and Charlotte in 1772, were formed out of Albany County. The two first, and part of the last, are now in the present State of Vermont.

Tryon county was erected in 1772, also out of Albany, and comprised the country west of a north and south line extending from St. Regis to the west bounds of the township of Schenectady, thence running irregularly southwest to the head of the Mohawk branch of the Delaware, and along the same to the southeast bounds of the present county of Broome, thence in a northwesterly direction to Fort Bull, on Wood creek, near the present village of Rome; all west of the last mentioned line being Indian Territory. Thus, the Province consisted, at the Revolution, of fourteen counties.

REVOLUTIONARY GOVERNMENT.

PROVINCIAL CONVENTION,

TO ELECT DELEGATES TO THE CONTINENT CONGRESS.

The General Assembly of the Colony of New York having refused to comply with the recommendation of the Continental Congress, to choose deputies to attend another meeting of that body, to be held in Philadelphia on the 10th of May, 1775, the committee of the city and county of New York is-

sued a call, in the month of March, to the several counties throughout the Province, to elect deputies to a Provincial Convention, to be held in the latter city on the 20th of April, for the purpose of choosing Delegates to represent the Colony in the aforesaid Continental Congress. This Convention met accordingly at the Exchange, in New York, on the day appointed.

DEPUTIES TO THE PROVINCIAL CONVENTION.

President—Philip Livingston, of New York.

Secretary—John McKesson.

Names.	Counties.	Names.	Counties.
Alsop, John	New York	Livingston, Walter	Albany.
Benson, Egbert	Dutchess.	Low, Isaac**	New York.
Blackwell, Jacob	Queens.	McDougall, Alexander	New York.
Boerum, Simon*	Kings	Morris, Lewis	Westchester.
Brazier, Abraham	New York.	Pawling, Levi	Ulster.
Clinton, George*	Ulster.	Platt, Jonathan**	Westchester.
Clowes, Peter	Orange.	Polhemus, Theodorus	Kings.
Denice, Denice	Kings.	Robinson, Joseph	Queens.
De Witt, Charles*	Ulster.	Roosevelt, Isaac	New York.
Drake, Samuel	Weschester.	Schuyler, Philip*	Albany.
Duane, James	New York.	Seely, Israel	Orange.
Fanning, Phineas	Suffolk.	Stillwell, Richard	Kings.
Floyd, William	Suffolk.	Talman, John	Queens.
Graham, Morris	Dutchess.	Ten Broeck, Abraham*	Albany.
Graham, Robert	Westchester.	Thomas, John, Jr.,	Westchester.
Haring, John	Orange.	Tredwell, Thomas	Suffolk.
Hay, Ann Hawkes	Orange.	Van Cortlandt, Philip	Westchester.
Hobart, John Sloss	Suffolk.	Vanderbilt, John	Kings.
Holmes, James**	Westchester.	Walton, Abraham	New York.
Jay, John	New York.	Ward, Stephen	Westchester.
Lewis, Francis	New York.	Wickham, Thomas**	Suffolk.
Lispenard, Leonard	New York.	Williams, Zebulon	Queens.
Livingston, Peter R.**	Albany.	Wisner, Henry	Orange.
Livingston, Philip	New York.	Woodhull, Nathaniel*	Suffolk.
Livingston, Rob't R., Jr.*	Dutchess	Yates, Abraham, Jr.,	Albany.

*Members of the General Assembly.
**Did not attend the Convention.

THE OFFICERS OF THE PROVINCIAL CONGRESS.

PRESIDENTS.

First Provincial Congress, 1775.

Peter van Brugh Livingston.	May 23	Nath'l Woodhull, pro tem.	Aug. 28
		Abraham Yates, pro tem.	Nov. 2

Second Provincial Congress, 1775-76.

Nathaniel Woodhull,	Dec. 6	John Haring, pro tem,	Dec. 16
Nathaniel Woodhull,	Feb. 12		

Third Provincial Congress, 1776.

Nathaniel Woodhull,	May 18	John Haring, pro tem.	June 19

Fourth Provincial Congress and Representative Convention, 1776-77.

Nathaniel Woodhull,	July 9	Abraham Ten Broeck,	March 6
Abr'm Yates, Jr., pro tem.	Aug. 10	Leonard Gansevoort, pro tem.	Apr. 18
Abraham Yates, Jr.,	Aug. 28		
Peter R. Livingston,	Sept. 26		

SECRETARIES.

John McKesson. Robert Benson.

DOORKEEPER.

Thomas Petit.

COMMITTEE ON SAFETY.

(REVOLUTIONARY PERIOD.)

The first Provincial Congress having resolved to adjourn, appointed, on the 8th July, 1775, a certain number of its own members a Committee of Safety, with power to open all letters directed to the Congress and to answer the same; to examine suspected persons; take such measures as they shall think proper to carry into execution all orders, resolutions and recommendations of the Continental Congress and that of the Province, and to comply with any requisitions made by the generals of the Continental army; to superintend and direct the military affairs of the Province; to appropriate money for the public service, and to convoke at any time the Provincial Congress if emergency require. It was to consist of three members from New York, who were entitled to two votes, and of one from every other county, each of whom was to have one vote. But these numbers varied afterwards. Such other members of the several counties as might attend, could join in the vote of their respective counties, or give such vote in the absence of the appointed member.

SESSIONS OF THE COMMITTEE OF SAFETY.

At New York.

July 11, 1775, to July 25, 1775.
Sept. 4, 1775, to October 3, 1775.
January 3, 1776, to Feb. 12, 1776.
March 18, 1776, to May 8, 1776.
August 19, 1776.

At Harlem.

August 27, 1776.
August 29, 1776.

At Kingsbridge.

August 30, 1776.

At Philipse's Manor.

August 31, 1776.

At Fishkill.

Sept. 2, 1776, to Sept. 4, 1776.
Sept. 8, 1776, to Sept. 13, 1776.
Sept. 23, 1776, to Sept. 25, 1776.
Sept. 26, 1776, to Sept. 27, 1776.
October 7, 1776, to Oct. 14, 1776.
October 16, 1776, to Dec. 4, 1776.
December 5, 1776, to Feb. 14, 1777.

At Kingston.

Feb. 19, 1777, to March 5, 1777.

COUNCIL OF SAFETY.

(REVOLUTIONARY PERIOD.)

This body was appointed on the 3d May, 1777, after the formation of the State Constitution, as a temporary form of government, until a Governor should be elected and the Legislature meet. It consisted of fifteen members, and sat from the 14th May to the 10th September, 1777.

On the adjournment of the Legislature in October a second Council of Safety was appointed, which held its sessions first

at Kingston; and finally removed to Poughkeepsie. This council consisted of thirteen persons; but every member of the Senate and Assembly and the Delegates of the State in Congress were ex officio members and entitled to a vote. It was to continue in existence so long as the necessities of the State might require and no longer. It continued in session from the 8th of October, 1777, to the 7th of January, 1778, and was superseded by the Legislative Convention which met in the interval between that date and the assembling of the Legislature.

MEMBERS OF THE COUNCIL OF SAFETY.

President—Pierre Van Cortlandt. Secretaries—John McKesson, Robert Benson.

[The figures after the names denote the Council to which the person belonged.]

Bancker, Evert,2.
Benson, Egbert,2.
Cantine, Matthew,1.
Cuyler, Jacob,1.
De Witt, Charles,1.
Dunscomb, Daniel, 2.
Floyd, William, 2.
Harper, Robert, 1, 2.
Hobart, John Sloss, 1.
Jay, John, 1.
Landon, Jonathan, 2.
Livingston, R. R., 1.
Morris, Gouverneur, 1.
Pawling, Levi, 2.
Platt, Zephaniah, 1.
Scott, John Morin, 1, 2.
Snyder, Johannes, 2.
Tappen, Christopher, 1.
Tompkins, J. G., 1.
Tredwell, Thomas, 1.
Van Cortlandt, Pierre, 1.
Van Zandt, Peter Pra, 2.
Webster, Alexander, 2.
Whiting, William B., 2.
Yates, braham, Jr., 1, 2.

FIRST CONSTITUTION.

(REVOLUTIONARY PERIOD.)

The Convention of Representatives of the State of New York having unanimously ratified the Declaration of Independence, appointed the following Committee to prepare and report a Constitution:

Col. John Broome,
Col. Charles De Witt,
William Duer,
John Sloss Hobart,
John Jay,
Robert R. Livingston,
Gouverneur Morris,
Gen. John Morin Scott,
William Smith,
Samuel Townsend,
Henry Wisner,
Abraham Yates,
Robert Yates.

This Committee reported March 12, 1777, which report was discussed until April 20th following, when the First Constitution of the State of New York was adopted.

INTRODUCTION OF THE BALLOT IN HOLDING ELECTIONS.

Previous to the adoption of the Constitution, voting at elections was viva voce. The framers of that Constitution hesitated to change the system, but inasmuch as many of the citizens of the State had long been of opinion that voting by ballot would tend more to preserve the liberty and equal freedom of the people, they authorized an "experiment" to be made as soon as peace should be declared, permitting the Legislature to then pass an act for that purpose, and if the "experiment" failed, to return to the viva voce system, provided two-thirds of the members of both houses concurred therein. In pursuance of this provision, a law was passed March 27, 1778, authorizing the use of the ballot in elections for Governor and Lieutenant-Governor, but retaining the viva voce system for members of the Legislature; but this also was done away with by an act passed February 13, 1787.

THE HISTORY OF THE COURT OF CHANCERY IN NEW YORK.

BY CLARK BELL, ESQ., LL. D.

(COLONIAL PERIOD.)

Lord Coke, in his Institutes, traces and refers to the existence of the Court of Chancery in England, in the reign of Alfred (872-901), but not as then created. (1)

Its origin in England is of great antiquity, and the date of its creation is unknown. It is prehistoric.

It has existed there "from a time whereof the memory of man runneth not to the contrary."

In some of the American Colonies it came as a legacy from England, as the mother country.

It must be remembered that England was not the parent country of the New York original settlers. Holland, was in fact, the fatherland of the early settlers of New York.

No such court existed in the Dutch Republic. Equity powers were administered in the Dutch courts of New Netherlands until some time after the English rule was established, after the Treaty of Breda, in and by which the Dutch rule in New Netherlands terminated, and the English rule established.

This serves to explain, in a large measure, the reasons why the Court of Chancery met with such determined and continuous hostility from the settlers in the early days of the colonists of the Colony of New York.

The Court of the "Schout Burgomasters and Scheppens" met every need of the early settler.

They continued almost exactly in their administration of justice under the new name given them by the English Governors and Council, and they desired no change to English ideas, because their views of the rights of the citizens and of the people, in their relation to the governing power, were based on the principles, on which the Constitution of the

Dutch Republic had been founded, under which they had had been reared in Holland and transplanted to the New Netherlands, and these views were almost in direct conflict with the policy of the English Government, in respect to the English rule in her colonies.

The first tracing of chancery jurisdiction in the colonial annals of New York, must be found in the courts organized under what were known as the "Duke's Laws."

A copy of this code is in Vol. I, of the New York Historical Society's collections, and also in Vol. I, Colonial Laws, pp 6-73; in the New York State Library at Albany, and in the Clerk's office, of the town of Hempstead, Long Island, N. Y.

It is believed to have been framed by the Earl of Clanendon, the father-in-law of the Duke of York, the brother of Charles II, to whom that king had granted all the territory of the New Netherlands, on March 12, 1664, and it was brought over by Governor Nicholls, who succeeded to the Governorship of the colony, on the surrender of Peter Stuyvesant.*

Jurisdiction in matters of equity was given to the town courts, in sums not exceeding five pounds; in the Courts of Sessions, in the three ridings, (East, West and North), there was no limitation, while in the highest tribunals, called the Court of Assize, it had equitable jurisdiction when the amount exceeded twenty pounds. This did not differ radically in its workings from the Dutch courts before or then existing, except in details.

The pleadings were by Bill and Answer, and witnesses were examined in the same manner as in the English Court of Chancery, and were determined by the judge without a jury. It was not, however, a Court of Chancery, but it was a court, or sessions of courts, having chancery jurisdiction, which was not unlike the proceeding in the earlier Dutch courts in its results and in effect.

These Courts, thus established in 1665, continued until the re-capture of the Province by the Dutch in August, 1673, when the Dutch Courts were temporarily re-established, as they had previously existed, and they stood until the treaty which ended the war and restored English rule in the colony

*A copy of the order from the Crown to put the Duke Laws in force will be found in 1 Col. Laws of New York, p 107 The Proclamation of Gov. Nichols may be found in 1 Col. Laws of New York, p. 107.

of New York, and the English Courts re-established, which remained in vogue until in 1683, Governor Dongan called a General Assembly, which erected, under the Act "to settle courts of justice," after establishing courts of justice, a Court of Chancery for the Province of New Netherlands.

This is the beginning, in fact, of this court as such. It was constituted to be held by the Governor as Chancellor, and his Council as associates.

The Governor was clothed with the authority to name a Chancellor in his own stead, and to be assisted by such other persons as he should see fit, together with necessary clerks and other officers. This Court had cognizance of all equitable matters, and was the highest Colonial judicial tribunal.

The first Court of Chancery was held February 16, 1683, by the Governor and Council, and the terms fixed for its sessions on the first Thursday of every other month. (2)

In 1691, Governor Sloughter at the beginning of the year, convened the General Assembly, which passed an act which adopted and provided for a Court of Chancery for the Province, the same substantially with that provided for by the Act of 1683 above named. By the terms of the Act of 1691, it was limited to two years.

This time was extended by three successive acts till 1698, when the organization ceased by the termination of the period of limitation, provided in the act, and its several extensions.

The public prejudice and opposition to the Court of Chancery was so pronounced that no attempt was made to re-establish it, although the other courts were revised by an ordinance of Governor Bellamont and Council in 1699.

In 1701, Lieutenant-Governor Nanfan, under an order from the Lords of Trade, established a Court of Chancery by an ordinance issued April 2, 1691, to be held by the Governor and Council, or any two of the Board, on the first Thursday of every month, and the Governor appointed masters, clerks and a register. (3)

This was done without the assent of the General Assembly, and in violation of a strong feeling of oppposition in the pub-

(2) Street's Council of Revision, pp. 12 and 13.

(3) Smith's History of New York, (Cary's edition) p. 113. Letter of Attorney General Sampson Shelton Broughton to the Lord's of Trade. Land Doc. 914, Col. Doc., Vol. 4.

lic mind against the establishment of a Court of Chancery by the Governor, making the Governor and Council the Court, only with the assent of the people in General Assembly.

There was a resolute and determined opposition to the Court, organized both in the General Assembly and on behalf of the people.

Public complaints had been read and charges of exorbitant fees, unjust decrees and protests against the existence of such a court, against which the popular feeling was very strong.

There was determined opposition against the organization of such a court by ordinance of the Crown, and the Governors acting as chancellors without the assent of the General Assembly.

It was universally regarded as a violation of the rights of the people, to create such a court, which it was claimed could only be done by the General Assembly and not by the Crown, nor by the Governor and Council. This opposition was the substantial grievance that led ultimately to the Revolution. It violated every right that the settlers regarded as the inalienable rights of the people. It was in direct conflict with the principles that were enunciated in the Constitution of the Dutch Republic, more than two hundred years before the American Revolution, and which were subsequently re-affirmed by the framers of the Declaration of American Independence.

In June, 1702, Governor Cornbury, recognizing the determined opposition of the colonists, by an ordinance in Council suspended the Court of Chancery, "until the Chief Justice and Second Justice of the Supreme Court reported" such method as would render the said court most useful, and less burdensome to the subject, and also a just and reasonable table of fees."

In February, 1703, these officials made their report and submitted to the Governor a table of fees "by the same and moderated." (4)

In the succeeding November, 1703, Lord Cornbury, Governor, by an ordinance revised and again "established the Court of Chancery according to the method of the High Court of Chancery in England.(5)

(4) 2 Vol. Revised Laws, 1813, (Appendix).

(5) Street's Council of Revision, p. 14.

The state of popular resentment and opposition to this tribunal, and the determined attitude of the English Government, under whose direction the various Governors acted, is well illustrated by the acts of the General Assembly in November, 1702; "to declare the illegality and frustrate the irregular proceedings, extortions and decrees of the late pretended Court of Chancery." (6)

And in the General Assembly of 1708, the Committee of Grievances reported among other resolutions, aimed at Lord Cornbury's administration, who had re-established the Court of Chancery without the assent of the General Assembly in November, 1703, one declaring: "That the erecting of a court of Equity, without consent in General Assembly, is contrary to law, without precedent, and of dangerous consequence to the liberties and properties of the people." (7)

Governor Hunter, who succeeded Lovelace as Governor, in 1711, began to exercise the office of Chancellor, appointed two masters, a register, an examiner and two clerks, and proclaimed sessions on Thursday of each week. (8)

The General Assembly retaliated by readopting the resolution of 1708, and sending a remonstrance to the Lords of Trade, who replied in a letter to the Governor, censuring the General Assembly, and asserted the right of the Crown to the erection of an equity court, ignoring and over-riding the action of the colonists respecting the consent of the people, through their representatives in General Assembly. (9)

These acts, sowed with liberal hand, broad cast the seed of revolution, which gave fruit in 1775, in the American Revolution.

The Court of Chancery was continued for sixteen years after these events without interruption, enforced by the English Government, against the continuous and out-spoken hostility of the colonists.

In 1727, the Committee on Grievances made a report to the General Assembly, which reflected seriously on the Court of Chancery; its arbitrary and tyrannical conduct; that its extraordinary proceedings and extortionate fees, were the greatest grievance and oppression the colony had ever felt."

(6) Journal General Assembly of New York, Vol. 1, p. 157.
(7) Journal General Assembly of New York, p. 224, Vol. 1.
(8) Street's History, (Cary's edition), p. 148.
(9) Street's Council of Revision.

Governor Burritt dissolved the General Assembly as it was about to pass an act declaring all the proceedings of the court null and void.

The Governor, Montgomery, who succeeded Governor Burnett in 728, felt great reluctance to assuming the duties of Chancellor. An ordinance had been passed in the Spring of 1728, modifying abuses in the practice of the Court, and reducing the fees.

A local contest as to the title of the equivalent land or oblong patent, affecting a large number of settlers, brought in that Court, resulted in appeals by the defendants to the General Assembly for relief, and the Governor refused to dissolve the General Assembly on the petition of these parties, praying its dissolution, with the unanimous approval of the General Assembly itself, which resulted in the adoption of a resolution declaring: "That the Court of Chancery, in the hands, or under the exercise of a Governor, without the consent of the General Assembly, is contrary to law, unwarranted and of dangerous consequence to the liberties and properties of the people."(10)

In September, 1737, the General Assembly presented an address to Governor Clarke, reiterating their complaints against that court, and that it should not exist without the assent of the General Assembly, and assailing members of the Court for insufficiency.(11)

This was the last formal assault upon the Court by the General Assembly, and it was held regularly until the Revolution of 1775.

No Chancellor was ever appointed in the colony from the organization of the Court to the war of the Revolution of 1775. It was always the Governors who acted, though the Governors had the power to appoint a Chancellor.

The Governors acted as Chancellors, sometimes assisted by the chief or other justices of the Supreme Court, or by one or more of the Supreme Judges, with the legal members of the Council.

As a rule the Governors acted as sole Chancellors.

(10) Journal General Assembly, Vol. 1, p. 687.

(11) Journal General Assembly, Vol. 1, p. 707.

Sir Charles Hardy, who came out in 1753, associated the Supreme Bench with him in his equity work, a practice followed by the Governors who succeeded him to the end of the Colonial period.(12)

(12) Street's Council of Revision, p. 16.

THE COURT OF CHANCERY.
(COLONIAL.)

CHANCELLOR.

The Governor or his Dep'ty,	1684	The Governor,	March, 1697
Stephen van Cortlandt, Nov.,	1696	The Governor,	Aug. 28, 1701

MASTER OF THE ROLLS.

John Spragg,	Dec. 29, 1684	James Jauncey, Jr.,	Mar. 24, 1774

MASTERS.

Thomas Noell,	Sept. 2, 1701	Robert Lurting,	Dec. 22, 1720
John De Peyster,	Sept. 2, 1701	Cadwallader Colden,	Dec. 22, 1720
Ebenezer Willson,	1705	John Cruger,	July 23, 1735
William Peartree,	1705	John Roosevelt,	July 23, 1735
John Abeel, Albany,	Oct. 13, 1705	Henry Holland,	May 20, 1743
Evert Bancker, "	Oct. 13, 1705	Edward Holland,	Sept. 12, 1748
Rip van Dam,	Oct. 4, 1711	Anthony Rutgers,	Apr. 19, 1750
Adolph Philipse,	Oct. 4, 1711	John van Cortlandt,	Jan. 31, 1754
Caleb Heathcote.	Nov. 1, 1711	P. P. Schuyler,	1768
Robert Walter,	Dec. 22, 1720	Stephen De Lancey,	Mar. 27, 1770
Rip van Dam,	Dec. 22, 1720	Cary Ludlow,	1775

EXAMINERS.

Barne Cozens,	Sept. 2, 1701	John Burnet,	1761
William Anderson,	Mar. 24, 1705	James Emott,	1762
Francis Harison,	Oct. 4, 1711	Thomas William Willett	
Richard Nicholls,	June 13, 1740	Bevans,	June 8, 1775

REGISTERS.

John Spragg,	Dec. 29, 1684	Isaac Bobin,	July 3, 1721
Sec'y of the Province,	Oct. 12, 1691	Frederick Morris,	Nov. 6, 1730
Barne Cozens,	Sept. 2, 1701	Goldsborow Banyar,	May 5, 1753
Henry Wileman,	Oct. 4, 1711	Samuel Bayard,	1774
Gilbert Livingston,	Dec. 22, 1720		

CLERKS.

John Knight.	Dec. 29, 1684	James Du Pre,	Oct. 4, 1711
James Graham,	Dec. 29, 1684	William Sharpas,	Dec. 22, 1720
Isaac Swinton,	Dec. 17, 1685	Rob't Livingston, Jr.,	Dec. 22, 1720
David Jamison,	Oct. 12, 1691	John Robinson,	Jan. 11, 1740
Abraham Gouverneur,	Sept. 2, 1701	John Burnet,	Aug. 19, 1745
Richard Harris,	Sept. 2, 1701	William Smith, Jr.,	Jan. 16, 1748
William Sharpas,	Oct. 4, 1711	John Godby,	Sept. 29, 1752
Sampson Broughton,	Oct. 4, 1711	James Duane,	April 20, 1762

SERGEANT-AT-ARMS.

John Cavalier,	Dec. 10, 1685	Charles Wood,	Feb. 28, 1741
John Gara,	April 22, 1719	John Groesbeck,	Oct. 17, 1748
George Duncan,	1720	George Duncan,	Mar. 11, 1752
John Gara,	1722	Christ. Blundell,	May 24, 1769

COURT OF CHANCERY, STATE OF NEW YORK. PERIOD OF STATEHOOD.

BY CLARK BELL, ESQ., LL. D.

While the Constitution of 1777 did not provide for the organization of either the Supreme Court of the State, nor of the Court of Chancery, both were recognized by that instrument as being then in existence, without any extra provision contained in the Constitution itself, in respect to them, but the Supreme Court, as it then existed, and the Court of Chancery, as it then existed, were clearly intended by the Constitution of 1777 to be continued under the government created by that instrument as they had previously existed and to be simply continued.

We have previously considered the Court of Chancery as it then existed. The Constitution of 1777 contained a provision that the Chancellor should not hold any other office except that of Delegate to the Congress on special occasions, but, if so elected or appointed, it should be his option in which office he should serve.

Robert R. Livingston was appointed Chancellor by the Convention of May 8, 1777. He was commissioned October 17, 1777, and the Court of Chancery continued under the Constitution without any change. In May, 1788, the Court was re-organized by the Convention of Representatives of the State of New York. Masters and Examiners were appointed by the Council of Appointment; the Register and Clerks by the Chancellor. The office of Assistant Register was established in New York in 1804. A seal for the Court was ordered by an act passed March 16, 1778. Several dies of the seal are preserved at the State Library at Albany. They differ in detail but are substantially alike.

By an Act of April 13, 1814, the Reporter of the Supreme Court was made the Reporter of the Court of Chancery. Both these officers were appointed by the Chancellor, who also licensed all Solicitors and Counsellors in the Court.

From 1777 to 1821 the Chancellor was appointed by the Council, and the Constitution of 1821 provided that the Chancellor should be appointed by the Governor, and should hold his office during good behavior, or until he had attained the age of sixty years. The Chancellor was a member of the Court for the Correction of Errors, and it was provided that on an appeal from the decision of the Chancellor to the Court for the Correction of Errors, that the Chancellor should give his reasons for his decision, but should have no voice in the final sentence or decision.

Under a provision in the Second Constitution equity powers were vested in the Circuit Judges, subject to the appellate jurisdiction of the Chancellor. An act was passed April 17, 1823, to carry out this provision. It authorized each Circuit Judge to appoint a Clerk for the Court of Equity to be held by him, who should also perform the duties of a Register in said Court. The Judges were directed to devise a seal for the Clerks, to be used in all equity proceedings. These Courts were subsequently abolished. The Chancellor was invested with general equity jurisdiction, the Circuit Judges acting as Vice-Chancellor in their respective circuits.

Masters and Examiners were appointed by the Governor and Senate for three years, unless sooner removed; and the Registers and Assistant Registers by the Chancellor during pleasure. Under the Act, five hundred and ten Masters and twenty-five Examiners were appointed in the year 1823.

On the 21st of March, 1823, an Act was passed providing that the duties that had been previously exercised by the Courts of Probate should devolve upon the Chancellor.

In January, 1831, a separate Vice-Chancellorship for the first circuit was established; and in March, 1839, one for the Eighth Circuit, the office holding for the same tenure as that of Chancellor. The office of the former was in New York, the latter in Rochester. In March, 1839, an Assistant Vice-Chancellor was established for the First Circuit.

The Court of Chancery continued until the adoption of the Constitution of 1846, when by the provisions of that Constitution it ceased to exist on the first Monday of July, 1847, and its powers were by the Constitution of 1846, vested in the Supreme Court of the State, and an entire revolution established in the whole judicial administration of the State.

The following table will give the Chancellors and Vice-Chancellors in the State Court of Chancery for the State, from the adoption of the Constitution of 1777, to the adoption of the Constitution of 1846, with the cases reported, and the names of the Reporters of that State:

STATE COURT OF CHANCERY.

Chancellors.	Appointed.	Vice-Chancellors.	Appointed.
Robt. R. Livingston,(1)	May 8,1777	William T. McCoun,	Mar. 3, 1831
John Lansing, Jr.,	Oct. 21, QIPQ	Lewis H. Sanford,(2)	May 12, 1846
James Kent,	Oct. 25, 1814	Frederick Wittlesey,	Apr. 16, 1839
Nathan Sanford,	August 1, 1823	ASSISTANT VICE-CHANCELLORS.	
Samuel Jones,	Jan. 24, 1826	FIRST CIRCUIT (3).	
Reuben H.Walworth,	April 22, 1828	Murray Hoffman,	April 15, 1839
		A. L. Robertson, (4)	May 12, 1846
		Lewis H. Sanford,	March 11, 1843

CASES REPORTED.

Reporters:

William Johnson, from March, 1814, to July, 1828, 7 Vols.
Samuel Miles Hopkins, from September, 1823, to Jan. 1826, 1 Vol.
Alonzo C. Paige, from April, 1828, to May, 1848, 11 Vols.
Oliver L. Barbour, from August, 1845, to June, 1848, 3 Vols.
Charles Edwards, 1838-1843, before William T. McCoun, Vice Chancellor, 1 Vol.
Murray Hoffman, 1839-1840, before M. Hoffman, Assistant Vice Chancellor, 1 Vol.
Charles L. Clarke, before Frederick Whittlesey, Vice-Chancellor, 8th Circuit, 1 Vol.

(1) Appointed by Convention. Commissioned October 17, 1777. Re-elected June 27, 1783 in consequence of doubts having arisen whether he had not vacted his office by accepting that of Secretary of Foreign Affairs under Congress. He resigned that office after its acceptanee.
(2) Appointed, vice McCoun, aged 60.
(3) Assistant Vice Chancellors
(4) Duties to commence after October 1, 1846.

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Commission of Governor Edmund Andros to be Governor of New York. Original in London in New York papers, Vol. 1, p. 171. Vide also Doc. relating to Colonial History of New York, Vol. 3, p 215

Commission to Sir Edmund Andros. (1688) Vol. I, Colonial Laws of New York, pp. 216–217. Documents relating to Colonial History of New York, Vol III, p. 537, original in London, New England Rec. 33, p. 381.

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SUPREME COURT OF NEW YORK.

THE JUDICIAL POWER OF THE STATE OF NEW YORK UNDER THE FIRST CONSTITUTION ADOPTED APRIL 20, 1777, AT KINGSTON, NEW YORK.

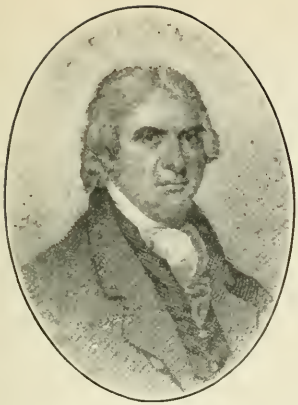
BY CLARK BELL, ESQ., LL. D.

The underlying principle of the American system of government prior to and at that time of the American Revolution, in every Colony, was that the source of all power was vested in the people of the Colony, and this doctrine enunciated as fundamental in the Declaration of Independence, was engrafted into the first constitution adopted in the State of New York, which adopted the following ordinances:

1. This convention, therefore, in the name and by the authority of the good people of this State, DOTH ORDAIN, DETERMINE AND DECLARE, That no authority shall, on any pretense whatever, be exercised over the people or members of this State, but such as shall be derived from and granted by them.

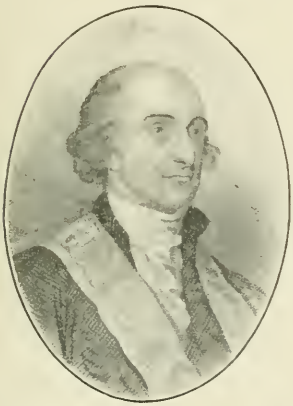
2. This convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE AND DECLARE, That the supreme legislative power within this State, shall be vested in two separate and distinct bodies of men; the one to be called the Assembly of the State of New York; the other to be called the Senate of the State of New York; who, together, shall form the legislature, and meet once at least in every year for the dispatch of business.

3. AND WHEREAS, Laws inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed; BE IT ORDAINED, That the Governor, for the time being, the chancellor and the judges of the Supreme Court, or any two of them together with the Governor, shall be, and hereby are, constituted a Council to revise all bills about to be passed into laws by the legislature. And for that purpose shall assemble themselves, from time to time, when the legislature shall be convened; for which, nevertheless, they shall not receive any salary or consideration under any pretense whatever. And that all bills which have passed the Senate and Assembly, shall, before they become laws, be presented to the said Council, or a majority of them, that the said bill should become a lawof this State, that they return the same together with the objections thereto in writing, to the Senate or

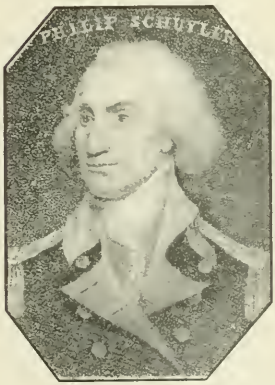


GEORGE CLINTON.
Governor of New York State.

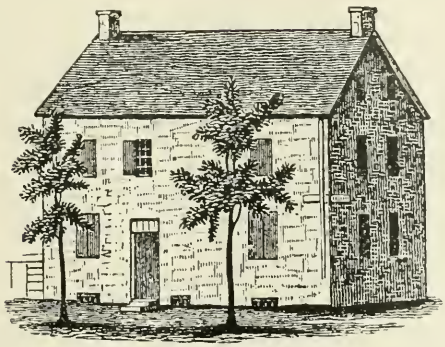
DEWITT CLINTON.
Governor of New York State.



HON. JOHN JAY.
First Chief Justice and later
Governor of the State.



GEN. PHILIP SCHUYLER.
Member of Committee
of Appointment.



The building in which the Constitution of New York was formed.
1777

House of Assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the Council, at large, in their minutes, and proceed to reconsider the said bill. But if after such reconsderation, two-thirds of the said Senate or House of Assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

This action recognized the then existing Court of Chancery, the Court of Admiralty and the Supreme Court, and made the Chancellor and the Judges of the Supreme Court members of the State Council.

This instrument provided for a Senate and an Assembly and Executive officers for the State, and defined their powers and duties.

It also provided for a Council of Appointment for all other offices including the Chancellor and the Judges of the Supreme court as follows:

23. That all officers, other than those who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The Assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a Council, for the appointment of the said officers, of which the Governor for the time being, or the Lieutenant-Governor, or the President of the Senate (when they shall respectively administer the government), shall be President, and have a casting voice, but no other vote; and, with the advice and consent of the said Council, shall appoint all of the said officers, and that a majority of the said Council be a quorum: AND FURTHER, The said Senators shall not be eligible to the said Council for two years successively.

24. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the Governor; and that the chancellor, the judges of the Supreme Court, and first judge of the County Court in every County, hold their offices during good behavior, or until they shall have respectively attained the age of sixty years.

25. That the chancellor and judges of the Supreme Court shall not, at the same time, hold any other office, excepting that of delegate to the general Congress, upon special occasions; and that the first judges of the County Courts in the several Counties, shall not, at the same time, hold any other office, excepting that of Senator, or delegate to the general Congress. But if the chancellor or either of the said judges be elected or appointed to any other office, excepting as is before excepted, it shall be at his option in which to serve.

27. AND BE IT FURTHER ORDAINED, That the register, and clerks in chancery, be appointed by the Chancellor; the clerks of the Supreme Court, by the judges of the said Court; the clerk of the Court of Probates, by the judge of the said Court; and the register and marshal ofthe Court of Admiralty, by the judge of the Admiralty. The said marshal, registers and clerks to continue in office during the pleasure of those by whom they are to be appointed as aforesaid.

And all Attorneys, Solicitors and Counsellors at law, hereafter to be appointed, be appointed by the Court, and licensed by the first

judge of the Court in which they shall respectively plead or practice; and be regulated by the rules and orders of the said Courts.

28. AND BE IT FURTHER ORDAINED, That by this constitution, the duration of any office shall be construed to be held during the pleasure of the Council of appointment; PROVIDED, That new commissions shall be issued to judges of the County Courts (other than to the first judge), and to justices of the peace, once at least in every three years.

The other articles referred to other lesser officers and did not relate to the Supreme Court.

The Constitution provided for a Court for the trial of Impeachments and the Correction of Errors, by the following provisions:

32. And this convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE AND DECLARE, that a Court shall be instituted for the trial of impeachments and the correction of errors, under the regulation which shall be established by the legislature, and to consist of the President of the Senate for the time being, and the Senators, chancellor and judges of the Supreme Court, or the major part of them; except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the Supreme Court, the person so impeached shall be suspended from exercising his office, until his acquittal; and, in like manner, when an appeal from a decree in equity shall be heard, the chancellor shall inform the Court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by a writ of error, on a question of law, on a judgment in the Supreme Court, the judges of the Court shall assign the reasons of such, their judgment, but shall not have a voice for its affirmance or reversal.

33. That the power of impeaching all officers of the State for malicious and corrupt conduct in their respective offices, be vested in the representatives of the people in Assembly; but that it shall always be necessary that two-third parts of the members present shall consent to and agree in such impeachment. That, previous to the trial of every impeachment, the members of the said Court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said Court shall be valid unless it shall be assented to by two-third parts of the members then present; nor shall it extend farther than to removal from office and disqualification to hold or enjoy any place of honor, trust or profit under this State. But the party so convicted shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

34. AND IT IS FURTHER ORDAINED, That in every trial on impeachment, or indictment for crime or misdemeanors, the party impeached or indicted, shall be allowed counsel, as in civil actions.

35. And this convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE AND DECLARE, That such parts of the common law of England, and of the statute law of England and Great Britain, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the 19th day of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this State, subject to such alterations and provisions as the legislature of this State shall, from time to time,

make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the common law, and all such of the said statutes and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives, claimed or exercised by the King of Great Britain and his predecessors, over the colony of New Yorf and its inhabitants, or are repugnant to this constitution, be and they hereby are, abrogated and rejected. And this convention doth further ORDAIN, That the resolves or resolutions of the Congresses of the colony of New York, and of the convention of the State of New York, now in force, and not repugnant to the government established by this constitution, shall be considered as making part of the laws of this State; subject, nevertheless, to such alterations and provisions as the legislature of this State may, from time to time, make concerning the same.

On October 27, 1801, this Constitution was amended at a Constitutional Convention held at Albany, New York, which made no changes respecting the judiciary, and only passed one article that in any wise related thereto. Article V., which articles was as follows:

V. And this convention do further, in the name and by the authority of the people of this State, ORDAIN, DETERMINE AND DECLARE, That by the true construction of the twenty-third article of the Constitution of this State, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this State for the time being, and in each of the members of the Council of appointment.

A Constitutional Convention was next held at Albany, New York, November 10, 1821, which amended the Constitution of 1777 in respect to the manner of appointments of the judges, by the adoption of the following provision:

Section 7. The Governor shall nominate, by message, in writing, and with the consent of the Senate, shall appoint all judicial officers, except justices of the peace.

This Section in addition changed the manner of appointment of Justices of the Peace, which was in force until 1826, when it was rescinded by Amendment No. 1 of the Convention of 1826.

It re-affirmed the common law and such acts of the legislature of the Colony of New York as existed as the law of the colony prior to April 19, 1777, and at the adoption of the Constitution of 1777 (April 20th), as follows:

Section 13. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said Colony, on the nineteenth day of April, one thousand seven hundrd and seventy-five, and the resolutions of the Congress of the said colony, and of the convention of the State of New York,

in force on the twentieth day of April, one thousand seven hundred and seventyseven, which have not since expired, or been repealed, or altered; and such acts of the legislature of this State, as are now in force, shall be and continue the law of this State, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

Amendments to the Constitution were adopted from time to time, but none that related to the Supreme Court or to the Court of Chancery, until the Constitution of 1846 was adopted, which revolutionized the entire judicial system of the State, abolished the Court of Chancery, the Court for the trial of Impeachments and Correction of Errors, and created the Court of Appeals for the State of New York.

CHIEF JUSTICES OF THE SUPREME COURT.

PERIOD OF STATEHOOD. CONSTITUTION OF 1777.

Names.	Residences.	Counties.	Appointed.
John Jay,*	Bedford,	Westchester,	May 8, 1777.
Richard Morris,	Scarsdale,	Westchester,	Oct. 23, 1779.
Robert Yates,**	Albany,	Albany,	Sept. 28, 1790.
John Lansing, Jr.,	Albany,	Albany,	Feb. 15, 1798.
Morgan Lewis,	Rhinbeck,	Dutchess,	Oct. 28, 1801.
James Kent,	New York,	New York.	July 2, 1804.
Smith Thompson,	New York,	New York,	Feb. 23, 1814.
Ambrose Spencer,	Albany,	Albany,	Feb. 9, 1819.

*Appointed by an ordinance of Convention; commissioned by Council of Appointment, October 17, 1777.
**Office vacated by attaining the age of sixty.

CONSTITUTION OF 1821.

Chief Justices.

Names.	Residences.	Counties.	Appointed.
John Savage,	Salem,	Washington,	Jan. 29, 1823.
Samuel Nelson,	Cooperstown,	Otsego,	August 31, 1837.
Greene C. Bronson,	Utica,	Oneida,	March 5, 1845.
Samuel Beardsley,	Utica,	Oneida,	June 29, 1847.

STATE COURT.—PUISNE JUSTICES

Robert Yates,	May 8, 1777	Brockholst Livingston,	Jan. 8, 1802
John Sloss Hobart,	May 8, 1777	Smith Thompson,	Jan. 8, 1802
John Lansing,	Sept. 28, 1790	Ambrose Spencer,	Feb. 3, 1804
Morgan Lewis,	Dec. 24, 1792	Daniel D. Tompkins,	July 2, 1804
Egbert Benson,	Jan. 29, 1794	William Van. Ness,	June 9, 1807
James Kent,	Feb. 6, 1798	Joseph C. Yates,	Feb. 8, 1808
John Cozine,	Aug. 9, 1798	Jonas Platt,	Feb. 23, 1814
Jacob Radcliff,	Dec. 27, 1798	John Woodworth,	March 27, 1818

UNDER THE CONSTITUTION OF 1821.

Jacob Sunderland,	Jan. 29, 1823	Samuel Beardsley,	Feb. 20, 1844.
William L. Marcy,	Jan. 21, 1829	Freeborn G. Jewett,	Mar. 5, 1845
Samuel Nelson,	Feb. 1, 1831	Fred'k Whittlesey,	June 30, 1847
Greene C. Bronson,	Jan 6, 1836	Thomas McKissock,	July 1, 1847
Esek Cowen,	Aug. 31, 1836		

CIRCUIT JUDGES.

UNDER CONSTITUTION OF 1821.

FIRST CIRCUIT.

Ogden Edwards,	April 21, 1823	John W. Edmonds.	Feb. 18, 1845
William Kent,	Aug. 17, 1841		

SECOND CIRCUIT.

Samuel R. Betts,	April 21, 1823	Selah B. Strong,	Mar. 27, 1846
James Emott,	Feb. 21, 1827	Seward Barculo,	April 4, 1846
Charles H. Ruggles,	Mar. 9, 1831		

THIRD CIRCUIT.

William A. Duer,	April 21, 1823	John P. Cushman,	Feb. 9, 1838
James Vanderpoel,	Jan. 12, 1830	Amasa J. Parker,	March 6, 1844.

FOURTH CIRCUIT.

Reuben H. Walworth,	Apr. 21, 1823	John Willard,	Sept. 3, 1836
Esek Cowen,	April 22, 1828		

FIFTH CIRCUIT.

Nathan William,	April 21, 1823	Isaac H. Bronson,	Apr. 18, 1838
Samuel Beardsley,	April 12, 1834	Philo Gridley,	July 17, 1838
Hiram Denio,	May 1, 1834		

SIXTH CIRCUIT.

Samuel Nelson,	April 21, 1823	Hiram Gray,	Jan. 13, 1846
Robert Monell,	Feb. 11, 1831		

SEVENTH CIRCUIT.

Enos T. Throop,	April 21, 1823	Bowen Whiting.	Feb. 23, 1838
Daniel Moseley,	Jan. 16, 1829		

EIGHTH CIRCUIT.

Wm. B. Rochester,	Apr. 21, 1823	Addison Gardner,	Sept. 29, 1829
Albert H. Tracy,	March 26, 1826	John B. Skinner,	Feb. 9, 1838
John Birdsall,	April 18, 1826	Nathan Dayton,	Feb. 23, 1838

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Chief Surg. A. C. Scott, M. D., of Texas.
Judge A. H. Dailey, of Brooklyn, N. Y.
Sur. R. S. Parkhill, M.D., of Hornelsville, N.Y.
Sur. Fayette H. Peck, M. D., of Utica, N. Y.
Chief Sur. T. I. Pritchard of Wis.
R. C. Richards, Esq., of Chicago. Ill.
Ch. Surg. F. A. Stillings, M. D., of N. H.
Ch. Surg. J. J. Buckley, Missoula, Montana

To Railway Surgeons and Railway Counsel:

We take occasion to advise you to unite with the Section of Medico-Legal Surgery, which can now be done by an annual subscription of $1.50, entitling each member to the *Medico-Legal Journal* free.

G. P. CONN, M. D.,
Ex-Chairman Section Med.-Leg. Surgery.

ABRAM H. DAILEY,
Ex-President Medico-Legal Society of N. Y.

SAMUEL S. THORN, M. D.,
Chief Surgeon T., St. L. & K. C. Railway Co., Ex-President National Association Railway Surgeons.

J. B. MURDOCH, M. D.,
Surgeon and Ex-President National Association of Railway Surgeons.

R. HARVEY REED, M. D.,
Surgeon General of State of Wyoming,

R. S. HARNDEN, M. D.,
Ex-President New York State Association Railway Surgeons. Ex-President Erie Railway Surgeons.

HUBBARD W. MITCHEL, M. D.,
Ex-President Medico-Legal Society of New York.

Members of the Section on Medico-Legal Surgery, who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Caroline J. Taylor, Treasurer, Bridgeport, Conn. Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

SECTION OF MEDICO-LEGAL SURGERY—MEDICO-LEGAL SOCIETY.

ANNUAL REPORT—January 1, 1903.

To the Fellows of the Section of Medico-Legal Surgery and of the Medico Legal Society:

The domain and province of the Section is defined by the following standing resolution:

Resolved, That all questions in Medico-Legal Surgery are to be deemed within the scope and province of the Section on Railway Surgery, including, especially, military and naval surgery, and the broad domain of surgery in its relation to medical jurisprudence.

The Section is intended to embrace, besides naval, military, and railway surgeons and counsel railway managers, railway officials, whether lawyers or surgeons; many of whom have already united with the body, and who are eligible to membership under the statutes of the Society.

Three members of the Executive Committee constitute a quorum, and five of the Board of Officers of the Section.

The work of the Section during the preceding year has been devoted to the advancement of the science of the medical jurisprudence of surgery in all of its branches. The papers contributed upon these branches of science have been in part published in the Medico Legal Journal, which is the official organ of the Section.

The following are Associate Editors:

MEDICAL.	LEGAL.
Granville P. Conn M. D., Concord, N. H.	Clarence A Lightner, Esq., Detroit, Mich.
R. Harvey Reed, M. D., Wyoming.	Judge Wm H. Francis, New York.
Nicholas Senn, M. D., Chicago, Ill.	Judge Abram H. Dailey, Brooklyn.
Webb J Kelley, M. D., Galion Ohio.	Judge Charles G. Garrison, of N. Y.
Prof. A. P. Grinnell, M. D., Burlington, Vt	Judge L. A. Emery, of Maine.

This department is conducted as the organ of the Section of the Medical Jurisprudence of Surgery of the Medico-Legal Society.

The following officers are recommended for re-election for 1902:

Chairman.

Chief Surgeon Charles K. Cole, M. D., of Helena, Mont.

LEGAL. *Vice-Chairmen.*	*SURGICAL.* *Vice-Chairman.*
Clark Bell, Esq., of New York.	Ch. Surg. W. A. Adams, of Ft. Worth, Tex.
Judge W. H. Francis, of New York.	Ch Surg. F. H. Caldwell, M. D., of Fla.
Hon J. W. Fellows, of N. H.	Surgeon Geo Chaffee M. D., of Brooklyn.
Hon. W. C. Howell, of Iowa.	Surg. Thos. Darlington M. D., of N. Y.
Prof. A. P. Grinnell, M. D., of Vermont.	Ch Surg. B. F. Eads, M. D., of Texas.
Hon. A. R. Parmenter, of Troy, N. Y.	Ch. Surg. Granville P. Conn, M. D of N.H.
Hon. George R. Peck, of Illinois.	Ch. Surg. W. B. Outten, M. D., of St. Louis.
Hon. J. M Thurston, of Nebraska.	Surg. Gen. R. Harvey Reed M. D., of Wy
Judge Abram H Dailey, Brooklyn, N. Y.	Surg. Gen Nicholas Senn, M. D., of Ill.
L. L. Gilbert, Esq., of Pennsylvania.	Ch. Surg. S. S Thorne, M. D., of Ohio.

Secretary.

Clark Bell, Esq., 39 Broadway, N. Y.

Treasurer.

Judge Wm. H. Francis, New York City.
39 Broadway. N. Y.

Executive Committee.

Clark Bell, Esq., Chairman.

Surg. Thomas Darlington, M. D., of N. Y. Ch. Surg. T. J. Pritchardson, of Wis.
Ex-Ch. Surg Geo. Goodfellow, M. D., Cal. Sur. Fayette H. Peck, M. D., of Utica, N.Y.
Chief Surg. A. C. Scott, M. D., of Texas. Claim Agt. R. C. Richards, Esq., Chicago.
Judge A. H. Dailey, of New York. Ch. Surg. F. A. Stillings. M. D., of N. H.
Surg. J N. Hall, of Denver, Colorado. Ch. Sur. J. J. Buckley, Missouli Montana.

The following is the present

ROLL OF MEMBERS.

Surgeon H. B. Allen, Cloquet, Minn.
Surgeon E. L. Annis, M. D., La Porte, Ind.
Surgeon W. G. Branch, M. D., Bunkie, La.
Clark Bell, Esq., of New York.
Hon. C. H. Blackburn, of Cincinnati, Ohio.
Surgeon S. Grover Burnett, M. D., of Missouri.
Surgeon T. J. Bennett. M. D., of Austin, Texas.
Surgeon S. Belknap, M. D., Big 4 System, Niles, Mich.
Surgeon W. H. Burland, M. D., Punta Garda, Fla.
Charles L. Baxter, Esq., Atty El. R. R., Boston, Mass.
Chief Surgeon John J. Buckley, Missoula, Montana.
Surgeon George Chaffee, M. D., 226 47th St., Brooklyn, N. Y.
Surgeon D. W. Cowan, C. N. R. R. & S. P. & D., Hinckley, Minn.
Chief Sur. G. P. Conn, M. D., of Concord, N. H.
Chief Sur. Chas. K. Cole, M. D., of Helena, Mon.
Surgeon Martin Cavana, of Oneida, N. Y.
*Surgeon James H. Calvin, M. D., of Huron, O.
Chief Surgeon Chas. H. Caldwell (Plant System), Way Cross, Ga.
Surgeon R. Percey Crookshank, M. D., Rapid City, Manitoba.
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Surgeon J. M. Dinnen, of Fort Wayne, Ind.
Surgeon C. M. Daniel, M. D., of Buffalo, N. Y.
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Surgeon Thos. Darlington, M. D., N. Y. City.
Surgeon A. E. Ellingwood, Attica, New York.
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Surgeon A. Eyer, M. D., of Cleveland, Ohio.
Chief Sur. B. F. Eads, M. D., of Texas.
*Surgeon Jno. L. Eddy, Erie Ry. Surgeons, Olean, New York.
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Judge Wm. H. Francis, of No. 39 Broadway, N. Y.
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Surgeon S. L. M. Foote, M. D., Argentine, Kansas.
Sur. William Govan, M. D., of Stony Point, N. Y.
*Surgeon G. Graves, M. D., Herkimer, New York.
Surgeon A. P. Grinnell, M. D., Burlington, Vt.
Chief Sur. Geo. Goodfellow, M. D., of California.
Surgeon W. N. Garrett, M. D., Forney, Texas.
Hon. William C. Howell, of Keokuk, Iowa.
Surgeon G. P. Howard, M. D., of Texas.
Surgeon R. S. Harnden, M. D., of Waverly, N. Y.
Surgeon J. L. Hall, M. D., Fairhaven, N. Y.

Surgeon M. B. Hubbs, M. D., Addison, N. Y.
Surgeon John E. Hannon, Jasper, Fla.
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Surgeon C. F. Leslie, Clyde, Kansas.
Surgeon F. T. Labadie, M. D., 122 W. 64th St., New York.
Surgeon W. H. Meyers, M. D., Myersdale, Penn.
Chief Surgeon Solon Marks, Milwaukee, Wis.
Chief Surg. W. H. Monday, M. D., Terrell, Tex.
Surgeon H. W. Mitchell, M. D., of New York.
Chief Surg. H. McHatton, M. D., of Macon, Ga.
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Chief Surg. J. C. Martin, F. H. W. & W. Findlay, O.
Surgeon A. A. McLeod, M. D., of Michigan.
Surgeon William B. Morrow, N. Y. O. & W. R. R., Walton, Delaware Co., N. Y.
Surgeon W. H. Monday, Terrell, Texas.
Surgeons McCloud and Hodges, High Spring, Fla.
Judge J. G. McCarry, Walker, Minn.
Chief Surg. W. R. Nugent, M. D., Oscaloosa, Iowa.
Surgeon M. B. V. Newcomer, Tifton, Ind.
Chief Sur. W. B. Outten, of St. Louis, Mo.
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R. A. Parmenter, Esq., Troy, N. Y.
Surg. T. P. Russell, M. D., of New Oshkosh, Wis.
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Surgeon J. T. Reeve, M. D., of Appleton, Wis.
R. C. Richards, Esq., Claim Agent, N. W. Ry., Chicago, Ill.
Surgeon C. L. Stiles, M. D., of Oswego, N. Y.
Surgeon E. M. Schofield, M. D., of Jamestown, N. Y.
Chief Surgeon C. A. Smith, M. D., of Tyler, Texas.
Chief Surgeon F. A. Stillings, of Concord, N. H.
Sur-Gen. Nicholas Senn, M. D., of Chicago, Ill.
Surgeon H. B. Sauner, M. D., of Wisconsin.
Chief Surgeon A. C. Scott, G. C. & S. F. R., Temple, Texas.
R. W. Shufeldt, M. D., 502 West 142nd St., New York.
Surgeon Samuel D. Smoke, M. D., Fort White, Fla.
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Surgeon B. F. Wilson, M. D., of Slater, Mo.
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Sur. H. J. Williams, M. D., of Georgia.
Chief Surgeon Webb J. Kelly, Sec'y, Galion, Ohio.
Surgeon J. R. West, M. D., Richmond, Ind.
Nelson W. Wilson, M. D., 53 7th St., Buffalo, N. Y.
Surgeon J. P. Webster, M. D., Chicago, Ill.
Judge Allen Zollars, Solicitor P. R. R., Fort Wayne, Ind.

Only one member has died, Surgeon John L. Eddy, of Olean, New York. Three members have been elected during the year. Total 104 members. The report of Judge Wm. H. Francis, Treasurer, made January 21, 1903, showed:

Total Receipts	92.58
Total Disbursements	2.00
Cash on hand	$90.58

Respectfully submitted,

C. K. COLE, M. D., Chairman.

CLARK BELL, Vice-Chairman and Secretary.

NOTE.—The officers recommended by the Committee, were duly elected by the Medico-Legal Society at January meeting, 1903.

MEDICAL JURISPRUDENCE OF INSANITY.

MEMORIAL OF THE MEDICO-LEGAL SOCIETY.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW YORK.

In the Senate and in the Assembly.

The Medico-Legal Society, through its undersigned Committee, begs leave to call the attention of both branches of our Legislature to the present incongruous state of our Lunacy Statutes, designed for the care and supervision of the insane in State asylums. A radical, and as we hope to be able to show, a most undesirable change in the management of these public institutions, was effected by reason of the extraordinary legislation adopted by the last Legislature, whereby a system which had been in force for over fifty years, and whose wisdom had remained unchallenged during all that time, was suddenly revolutionized by displacing local Boards of Managers and striking at the very roots of the system of public charitable trusts.

Moreover, all our statutes coming down from the organization of the State in 1777, to the year 1874, had been revised and codified under a resolution of the State Senate of February 13, 1874, by Attorney-General Pratt, a former Justice of the Supreme Court, and Professor John Ordronaux, State Commissioner in Lunacy, which revision had been ratified by the Legislature under the title of Chapter 446, of the Laws of 1874. In the subsequent period of 28 years, experience had both approved and sustained this form of administration for State lunatic asylums, and every Legislature had given its sanction to its continuance, by suitable appropriations and the erection of several new asylums organized upon the same system. Such a repeated concurrence of legislative approval existing without break or impeachment for 28 years, and the adoption of this system by other States, present the most

formidable of arguments in support of its wisdom and expediency. Its sudden displacement justly gives rise to doubt as to the safety of allowing the insane wards of the State to be left under this rash and untried system of supervision; a system opening the door to that introduction of partisan politics into our public charities, which former Governors, Judges of our highest courts and legislators took pains heretofore to exclude.

We are instructed to protest in the strongest language against this legislation as unwise, pernicious and vicious to the last degree, as it places our whole lunacy system in the greatest possible peril.

We are instructed to ask that the legislation be repealed, and to urge upon your attention that it is now the duty of the Legislature of the State to charge itself with the reconstruction of the lunacy system of the State along lines consistent with the civilization of the era, and with a high sense of the position the Empire State should hold among, not only the States of the American Union, but of the institutions of the most enlightened nations of the world.

We are instructed to submit herewith copies of papers presented at a recent session of the Medico-Legal Society by ex-Presidents of the State Lunacy Commission, and others qualified to speak, in condemnation of the legislation, and the methods used to obtain its passage, and we ask leave to submit certain fundamental truths, which the experience of the race during the past fifty years has demonstrated, and which should underly any legislation, that should be undertaken by you, in reconstruction of our Lunacy System.

We are also instructed to ask the co-operation of all bodies or individuals in obtaining your favorable action, and we solicit auxilliary aid of individuals, associations or committees in our endeavor.

1. It is the duty of the legislative branch of the Government and not of the executive branch to originate laws.

Our Constitution makes it the duty of the Executive to execute the laws, not to originate them, and the present sad condition is due to the violation of this fundamental principle. The Legislature is responsible for the passage of the laws, and when it has suffered its functions to be usurped by the Executive, the result is naturally revolutionary, and strikes at the root of the rights of the people.

2. If a Board of Lunacy Commissioners is created and continued by your action, its powers should be advisory only, visitorial and derivative from the existing powers of a Supreme Court to supervise charitable trusts, and in no case whatever should it have executive power of any kind placed upon it.

This is a fundamental principle, the result of the combined experience of lunacy legislation throughout all enlightened countries.

New York is the only State that has violated it in legislation, and its results have been disastrous.

The example of the Earl of Shaftesbury, who presided more than thirty years over the Lunacy Commission of England, and who was doubtless the best Chairman of such a Commission that ever served, is an example that has been usually followed, that the Chairman of such a Commission, if you retain one, should not be a medical man. There are medical men of executive ability fit for such a place, but they are very rare.

The introduction into the New York Statute that the Chairman must be a medical man was a public scandal and a reproach upon its author. If a Lunacy Commission is retained, its duties should be only for thorough visitation, inspection and advice. The regulations should provide for continuous and thorough inspection and advice only. For any other purpose it is unnecessary, but its members should give their whole time to the duties of visitation, and this should not be avoided or delegated to others.

The Earl of Shaftesbury asserted that the case was rare, indeed, where the advice of a Commissioner was not heeded and followed, and he protested against any further than advisory powers being granted to a Lunacy Commission.

The repeal of this feature of the legislation is indispensable to reach solid foundation for proper legislation.

3. Under no circumstances should any official, having any position in the care, treatment or management of the insane, or in any wise connected with Boards of Direction, or the disbursements of funds, be selected from partisan political considerations, but all such appointments should be made for competency and fitness, and such legislative restrictions should safeguard this principle as vital.

4. Each institution should have a Board of Directors, or control, to whom should be intrusted its entire management, and the appointment of all its superintendents, assistants, officers and employees, to which board they should be responsible alone, and such care should be taken in the selection and appointment of the members of the Boards as to make it impossible that its members should be named for political or partisan purposes.

Past experience would teach us that this power should not be placed In the hands of the Executive, but in the Judiciary, and either the County Judge or the County where the institution is located, or the presiding Justice of the Appellate Division of the Department of the Supreme Court where the institution is located should be empowered to appoint, with absolute restrictions, to prevent the appointments being made from partisan or political reasons, and only of those persons who by education and training, have demonstrated their fitness for the position of member of such a Board should be named.

We respectfully request that your honorable body name a competent Commission to consider the whole state of the present legislation and needs of the insane of the State, and to report such modifications and changes in the present laws as would best protect their rights, and place our lunacy administration where it is entitled to stand, in the front rank of the States of the American Union, and where the men of the medical profession, who have devoted their lives to the work, of the care, supervision and treatment of the insane, should be entirely beyond the reach of the caprice or the power of public officials, who, under our present system, have the power of suspension or removal at will.

Respectfully submitted,

CLARK BELL, Chairman,
JACOB F. MILLER,
ABRAHAM H. DAILEY,
HUBBARD W. MITCHELL, M. D.
MORITZ ELLINGER,
G. BETTINI DI MOISE, M. D.,
J. MOUNT BLEYER, M. D.,
Committee of the Medico-Legal Society.

PSYCHOLOGICAL.

This Department is conducted with the following Associate Editors:

Judge Abram H. Dailey, Brooklyn, N. Y.
Prof. A A D'Ancona, San Francisco, Cal.
H. S. Drayton, M. D., N. Y.
M. Ellinger, Esq., N. Y. City.
Dr. Havelock Ellis, London.
Thomson Jay Hudson, Esq., Detroit, Mich.
Wm. Lee Howard, M. D., Baltimore, Md.
R. J. Nunn, M. D., Savannah, Ga.
A. E. Osborne, M. D., Cal.
Jas. T. Searcey, M. D., Tuscaloosa, Ala.
Prof. W. Xavier Sudduth, Chicago, Ill.
U. O. B. Wingate, M. D., Milwaukee, Wis.

as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1902 are as follows:

Chairman,

PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

LEGAL AND SCIENTIFIC.

Vice-Chairmen,

Clark Bell, Esq., of New York.
Rev. Antoinette B. Blackwell, of N. Y.
Harold Browett, Esq, Shanghai, China.
C. Van D. Chenoweth, Worcester, Mass.
Judge Abram H Dailey, of Brooklyn.
Moritz Ellinger, Esq., of New York.
H. C. Wright, Esq., Corry, Pa.
Thomson Jay Hudson, Esq., Detroit, Mich.
Sophia McClelland, of Chicago, Ill.
Mrs. Jacob F. Miller, of New York.

MEDICAL.

Vice-Chairmen.

T. D. Crothers, M. D., of Hartford, Conn.
F. E. Daniel, M. D., of Austin, Texas.
H. S. Drayton, M. D., of New York.
Wm. Lee Howard, M. D., of Baltimore, Md.
J. Mount Bleyer, M. D., New York City.
Prof. Thomas Bassett Keyes, of Chicago.
R. J. Nunn, M. D., of Savannah, Ga.
A. E. Osborne, M. D., of Glen Ellen, Cal.
Jas. T. Searcy, M. D., Tuscaloosa, Ala.
U. O. B. Wingate, M. D., Milwaukee, Wis.
Mrs. Mary Louise Thomas, of New York.

Secretary and Treasurer.

CLARK BELL, ESQ., OF NEW YORK.

Executive Committee.

CLARK BELL, ESQ., Chairman.

SAMUEL BELL THOMAS, OF NEW YORK CITY, Secretary.

M. Ellinger, Esq.
Carleton Simon, M. D.
Judge A. H. Dailey.
R. W. Shufeldt, M. D.
H. W. Mitchell, M. D.

PSYCHOLOGICAL SECTION OF THE MEDCO-LEGAL SOCIETY.

ANNUAL REPORT, JANUARY 1, 1903.

To the Fellows of the Psychological Section and of the Medico-Legal Society.

The following subjects are within the Domain of Studies pursued by the Section:

1. The Medical Jurisprudence of Insanity.
2. Inebriety, Heredity and Sociology.
3. Criminality and Criminal Anthropology.
4. Mental Suggestion, and especially of Physicians as to Clinical Suggestion and Therapeutic Hypnosis.
5. Experimental Psychology.
7. Clairvoyance.
8. Facts within the Domain of Physical Research, including investigation into so-called Modern Spiritism.

The work of the Section for the year, since the last Annual Report, may be summarized as follows:

FIRST.—The entire list of contributions made to "The American Congress on Tuberculosis," an organization founded by the Medico-Legal Society of New York, the labors of which, produced under the patronage of that body, as a part of the work of this Section in its relation to:

1. Preventive legislation, to arrest the spread and ravages of that dread disease.
2. The tretment and study of the disease itself, and its relation to Sanitoria, Light, Electricity, Climatology and in every aspect.

The whole of which is to be reproduced in a Bulletin, which has already reached over 300 pages, with contributions from all lands and countries, too voluminous for this report, and the Bulletins of which for the session of 1901, published during the year, and that of 1902 to be published in 1903, will remain as a permanent and endurnig monument, not only to the subjects, but of the great labors of the body in which this Section has borne so conspicuous a part.

SECOND.—The year just closed, has, in the field of Psychological study, produced the volume entitled: "Spiritism, Hypnotism and Telepathy, as Involved in the Case of Mrs. Leonora E. Piper and the Society of Psychical Research;" a collection of contributions on subjects germane to those studies. of more than twenty-two authors, too lengthy to even enumerate in this report, and which has aroused a full discussion throughout the land. in both the lay and medical press, of profound interest.

THIRD.—Additional contributions from leading citizens, touching the necessity of a repeal of the lunacy legislation recently passed by the Legislature in New York, under the instigation of the Governor of the State, revolutionizing the whole plan of management of our insane institutions,and the care and supervision of the insane and transforming the control and management of these institutions from the local boards, which have founded and formed these great

institutions during the past half century, in accordance with the needs, wishes and labors of the several localities where they are located and have grown up, to a Central Bureau at Albany, to be governed, regulated and controlled by a political officer, and to be appointed, dominated and controlled by whatever political party is in power in the State, as a political, partisan officer, from which the insane institutions of the State have been in the past, been completely separated and divorced, and looking to a concerted and continuous movement for the repeal of such legislation, as vicious to the last degree, and greatly prejudicial to the welfare of the insane of the State.

FOURTH.—The discussion of the subjects allied to Criminology in its sociological studies, introduced by Paul Tyner, Esq., in his paper entitled: "Anarchism and Atavism," on which discussion is now solicited.

The officers of the Section recommended for re-election for 1903 are as follows:

Chairman,

PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

Vice-Chairmen.

LEGAL AND SCIENTIFIC.

Clark Bell, Esq., of New York.
Rev. Antoinette B. Blackwell, of N. Y.
Harold Browett, Esq., Shanghai, China.
C. Van D. Chenoweth, Worcester, Mass.
Judge Abram H. Dailey, of Brooklyn.
Moritz Ellinger, Esq., of New York.
H. C. Wright, Esq., Corey, Pa.
Thomson Jay Hudson, Esq., Wash'n, D. C.
Sophia McClelland, of New York.
Mrs. Jacob F. Miller, of New York.

Vice-Chairmen.

MEDICAL.

T. D. Crothers, M. D., of Hartford, Conn.
F. E. Daniel, M. D., of Austin, Texas.
H. S. Drayton, M. D., of New York.
Wm. Lee Howard, M. D., of Baltimore, Md.
J. Mount Bleyer, M. D., New York City.
Prof. Thomas Bassett Keyes, of Chicago.
R. J. Nunn, M. D., of Savannah, Ga.
A. E. Osborne, M. D., of Glen Ellen, Cal.
Jas. T. Searcy, M. D., of Tuscaloosa, Ala.
U. O. B. Wingate, M. D., Milwaukee, Wis.

Mrs. Mary Louise Thomas, of New York.

Secretary and Treasurer,

CLARK BELL, ESQ., OF NEW YORK.

Executive Committee.

CLARK BELL, ESQ., Chairman.

SAMUEL BELL THOMAS, ESQ., OF NEW YORK CITY, Secretary.

M. Ellinger, Esq. Judge A. H. Dailey. R. W. Shufeldt, M. D.
Carleton Simon, M. D. H. W. Mitchell, M. D.

The Standing Committees recommended for 1903 are as follows:

TELEPATHY, MODERN SPIRITUALISM, &C.—Judge Abram H. Dailey, Brooklyn, N. Y., Chairman; Thomson Jay Hudson, Esq., Detroit, Michigan; Sophia McClelland, Chicago, Ill.; R. J. Nunn, M. D., of Savannah, Ga.; C. Van D. Chenoweth, Shrewsbury, Mass.

EXPERIMENTAL PSYCHOLOGY AND PSYCHICAL RESEARCH.—Prof. W. Xavier Sudduth, of Chicago, Chairman; Geo. W. Grover, M. D., Sheffield, Mass.; Prof. Harlow Gale, of Mineapolis, Minn.; Rev. A. Brown Blackwell, of N. Y.; Judge Abram H. Dailey, of Brooklyn, N. Y.; Mr. Clark Bell, of New York City; Percy R. Chittenden, Esq., of Brooklyn, N. Y.; J. Mount Bleyer, M. D., of New York City; Alexander Wilder, M. D., of N. J.; Dr. Robert Sherin, Cleveland, O.

MORBID PSYCHOLOGY.—William Lee Howard, M. D., Baltimore, Md.; T. D. Crothers, M. D., Hartford, Conn.; Prof. C. H. Hughes, of St. Louis, Mo.; Carleton Simon, M. D., of N. Y.; E. Sanger Browne, M. D., Chicago, Illinois; W. S. Magill, M. D., of New York.

HYPNOTISM.—H. S. Drayton, M. D., New York City, Chairman; T. D. Crothers, M. D., Hartford, Conn.; Thomson Jay Hudson, Esq., Detroit, Mich.; Wm. Lee Howard, M. D., Baltimore, Md.; Thomas Bassett Keyes, of Chicago, Ill.; Clark Bell, Esq., New York City.

PSYCHO-THERAPEUTICS.—**Prof. A. A. d'Ancona. Chairman, San** Francisco, Cal.; Henry S. Drayton, M. D., N. Y. City; A. B. Whitney, New York City; Dr. E. N. Buffitt, Jersey City, N. J.

The Woman's Committee of the Section is composed as follows:

COMMITTEE OF WOMEN.—Caroline J. Taylor, Chairman; Alice Berillion, 7 Rue de la Sorbone, Paris, France; Antoinette Browne Blackwell, C. Van D. Chenoweth, Rosalie Dailey Mrs. Laura Dayton Fessenden, Highland Park, Ill.; Eleanor Gridley, of Chicago; Mrs. Esther Herman, Sophia McClelland, Mrs. Ezra McHatton, Macon, Ga.; Laura A. C. Miller, The Countess Bettini di Moise, Mrs. Isaac N. Quimbey, Jersey City, N. J ; Dr. Agnes Sparks, Brooklyn, New York; M. Louise Thomas.

Every member of the Society is eligible to membership in the Section, as also the wives of members of the Society.

The annual Dues of the Section are $1.50, entitling the members to the Medico-Legal Journal free.

The Section is open to all Students of Psychological Science.

The only deaths during the year have been three: Prof. E. T. Eskredge, of Colorado; Mrs. E. K. Pangborne, of Jersey City, N. J., and Judge John A. Vance, of Gouevener, New York.

Three members have resigned, nine names stricken from the rolls for non-payment of dues, and fifteen members have been elected.

The Roll of members of the Section contains 182 names.

January 1, 1903. Respectfully submitted,

CLARK BELL,
Vice-Chairman and Secretary.

NOTE:—The officers recommended by the report were duly elected by the Society on recommendation of the Executive Committee at January meeting, 1903.

TUBERCULOSIS.

THE CLIMATE OF ARIZONA IN RELATION TO TUBERCULOSIS.

BY DR. JOHN R. WALLS, OF PRESCOTT, A. T.

I wish to call attention to the climate of Arizona as a means for future benefit, as it has been in the past, to those tuberculous patients who are seeking a location where they may be restored to health by climatic methods.

The Territory of Arizona comprises an area of 113,870 square miles; the population is 132,000, of which 12,000 is Indian.

Forming, as it does, a part of the high table land extending across the center of the Rocky Mountain range from Colorado to Calfornia, it offers advantages within its borders for the successul handling of consumption, singly or in sanatoria.

Being upon the Pacific slope and at the western border of the great table land, and being mountainous and badly broken as well, it possesses altitudes from 1,200 to 8,000 feet above sea level, situated in localities where any person may live. Osler voices the opinion of most medical men when he says the requirements of a suitable climate are, "a pure atmosphere, an equable temperature and a maximum amount of sunshine." I may add for myself another condition, and that is, a place wherein, if necessary, any person may earn a livelihood after a restoration to health, or where those of means would desire to live, and could see various places of interest during their period of enforced inactivity.

Read before the American Congress on Tuberculosis, in the Symposium on Climate, June 3, 1902.

Under the above heads we can consider the climate of Arizona.

(A) A PURE ATMOSPHERE.

A dry aseptic air is one of the greatest considerations asked for by one in search of health when afflicted with tuberculosis. Dews are almost unknown in Arizona except in the irrigated area. The mountains have a dry, light air with plenty of ozone. The soil is dry and porous.

A case in point may not be amiss here.

A patient of mine, Mr. F.——, came to Prescott the second time for tubercular trouble, having a history of one sister dying from the same trouble, and a family history of tubercular infection.

His first visit proved very satisfactory; he believed himself cured for all time so went home, but was forced in a couple of years to return to Prescott.

This time he consulted a physician who told him to remain in Arizona, to make it his future home. This he decided to do, and at once took a position as a clerk in a hardware store, where he commenced "running down."

He came to me in the summer of 1900, when I advised him to get outside—to live outdoors, and as I was then going to the Juniper Range for a month's vacation, I asked him to come along. We spent several weeks in the hills deer-shooting, living entirely out of doors, sleeping in canvas beds upon the ground and beneath the trees, and one night we spent upon our saddle blankets with our saddles for pillows, having killed an especially large buck at dusk, too far from camp to make it that night.

This man gained in weight and strength, his cough has gone entirely, he has resumed his occupation, spending a portion of each day in the sun, and a part of every autumn in the hills, and all his Sundays in the open air.

He is now as fine and hardy a physical specimen of manhood as you can see any place.

Here I wish to point the moral of the case.

Every consumptive should be under the care of a physician. Climate will not cure unless intelligently applied.

No person can obtain the advantages of climate by sitting all day in hotel corridors, sleeping in tightly closed rooms, and walking in the shade.

The air of the mountains is so dry and aseptic that the dwellers in these regions in Arizona have screened boxes suspended under the trees in the shade, wherein they keep fresh meat hung for days during the summer. Meat thus kept does not decay, but dries up. With the pure air comes the question of altitude, for such conditions obtain only in the high altitudes as a rule.

Arizona offers habitable altitudes, from Flagstaff, with an altitude of 6,885 feet, amid the pines and snow-clad peaks of the San Francisco Mountains, to Phoenix, with one of 1,108 feet, among the orange blossoms of the Salt River Valley, while Prescott, in the centre of the mountain mining region, with an elevation of 5,320 feet, offers a happy medium and furnishes an ideal place to live.

(B) AN EQUABLE TEMPERATURE PREVAILS THROUGHOUT THE TERRITORY.

During a residence of five years in Prescott, I have never seen a hot night, nor a time during the hottest season, when it was not cool in the shade. One can sleep at night comfortably all summer long in tents or in-doors.

(C) A MAXIMUM AMOUNT OF SUNSHINE.

I don't believe there is another place in the world where the sunshne is such as it is in Arizona, so strong and warm and life giving, yet producng no sunstroke even in the hottest season, unless it be upon drunkards in the Salt River Valley.

In five years' residence at Prescott I can recall but one day when the sun did not shine some part of the day time. I have never seen a day when a consumptive, able to be about could not be outside in the open air some part of the time.

The average relative humidity is low, and proves the dryness of the air. The soil is porous and drinks up the water greedily, whenever snow or rain falls. It is unfortunate that so many people come or are sent to climatic resorts at such an advanced stage of their trouble, that the altitude wears out the heart and depresses the nervous system to such an extent that the inevitable end is hastened and made miserable beyond endurance

The poorer classes should never be sent unless they can travel alone and care for themselves, for the complaint nostalgia is one of the worst to combat, especially when the suf-

ferer is really ill from such a trouble as consumption. I would like at this time to make an earnest plea to the profession at large to make their diagnoses early, look carefully into the sentimental side of each case to see if they are independent in character, determined and willing to make decided effort for their own recovery, and above all, as many physicians have advised, do not send them out to live upon climate alone, telling them they need no medical aid or advice, but may sit down quietly and breathe new life at such an altitude, irrespective of their nervous organization or the condition of heart or general physical make-up.

Send your patients to our climate, but send them to some reputable physician, accompanied by a complete history of their cases, so that the man upon the ground may advise them and choose the altitude which experience in the field has taught him to be the most suitable to such cases.

The outdoor method, I believe, offers the best hope at present for the successful handling of pulmonary consumption, therefore, I would urge upon those in the middle and eastern and low countries, the necessity of watching carefully all cases of lung and throat trouble which seem to persist after the acute stage has had time to subside. I mean all La Grippes, pleurisies, pneumonias and persistent colds, especially La Grippe. An early diagnosis is essential. I believe incipient pulmonary tuberculosis can be cured in a great majority of cases if the sufferers come early to the climate of Arizona or New Mexico and live rational lives out of doors.

It is well to impress upon the minds of your patients, that where they find a climate which cures, there they should make their homes for the balance of life.

Many times in Colorado and Arizona, where I have lived for the past 11 years, I have seen cases apparently well, go back East against advice, but because their own physician, at home, said they might, never to return, but to break down completely.

This brings me to the material side of this question. A choice of locality where the recovered consumptive may find employment or a residence and recreation, according to his or her respective material wealth.

Arizona to-day is just awakening from her sleep of 20 years, as Rip Van Winkle did of old. Her valleys are be-

ing cultivated by the farmer so that grain, hay and fruit, with all kinds of vegetables are easily obtainable, and the farm offers employment to many people.

The cattle men are still busy over the hills, gathering, branding and herding, while sheep and goats are in vast flocks in the country, the herding of which offers to many a consumptive a remunerative means of employment and an ideal out-door life, or a business both profitable and beneficial to the man of means.

The poultry industry is in its infancy, is an out-door employment, and offers large profits on the investment in a ready sale and a large market. Business of all kinds offers employment to many men. Stage driving, delivery wagons to the mountain regions, or freighters. The great industry of the country of course, is mining, and the rapid advance since the miner has realized he must obtain depth, has opened up a large field wherein the poor may obtain employment, and the rich investment in all the attendant needs surrounding a mining camp upon its surface. We have but to mention the mines surrounding Prescott to give some idea of the mineral wealth of the country. The United Verde Copper Mine, netting $1,000,000 per month; the Congress, The Crowned King, The McCabe, The Cash, The Dutchman and Midnight Test, The Empire, The President, The Copper Basin Groups, The Oro Grande, The Octave, The Mudhole, The Gladiator, The McCabe Extension, which has grown from a prospect to a mine within a year, and many others which are fast gaining prominence because of their ore bodies.

The scenery of Arizona is unsurpassed by any place in the world, both for its beauty and its historic note. Let me mention a few of the most noteworthy:

The Petrified Forest in the north, where, in ages past, a mighty effort of Nature turned the waving trees to quiescent solid stone, and left the structure intact in all its lines of stilled beauty and of color.

Near Prescott we have Granite Dells, through which runs a crystal stream, here and there a lake, and a number of acres of rich, tillable land, an ideal place for a sanatorium. This was once, I believe, a grotto of the sea, wherein perchance, the mermaids held high carnival and did obeisance

to their queen. A vast pile of rounded, water-washed rocks with valleys and avenues between, covering some hundreds of acres of ground within five miles of Prescott, having a railroad station in its midst.

Montezuma's Castle, wherein 'tis said the ill-fated monarch of the Mexicoes took refuge when betrayed by his own daughter into the hands of Cortez, lies not far from Prescott, near the fertile valley of the Verde River. Near it is the well wherein Montezuma dropped his treasure, and tradition says it was so heavy it broke through the bottom and has never been discovered, nor has any person since been able to fathom this well, whose surface is some 100 acres in extent.

To those who have never seen the Grand Canyon of the Colorado River, this description may be of interest:

There is but *one* Grand Canyon. That is in Arizona. It is the most sublime of earthly spectacles. It begins at the mouth of the Little Colorado and terminates at the Grand Wash, a distance of 217½ miles.

It is from 5 to 18 miles wide, from 5,000 to more than 7,000 feet deep. It is not a deep gloomy gorge, but a series of canons, one within and below the other. Picture one canon one thousand five hundred feet deep, and twelve or eighteen miles across, below this another canon, two to six miles less in width, and 2,000 feet deeper than the first one, still another 2,000 feet deeper and four miles narrower, until the true gorge of granite is reached, through which the roaring river flows, and you will have some idea of the sublimest thing on earth. It has been chiselled out by the rushing, whirling, roaring Colorado River, a river that is over 2,000 miles long, and drains some 300,000 square miles of the west side of the Rocky Mountains. Coming to this canon one does not see any sort of mountain or gorge with which one is familiar. One suddenly comes to a vast area which is a break in the plateau. There before you lies the mighty red rift in the earth. The mind is spell-bound by the scene, the voice is silent, the heart subdued. You can look up and down from certain projecting points on the rim—40 or 50 miles, and to the opposite side of the canon. The great space is filled with gigantic architectural constructions, with amphitheatres, gorges, walls of masonry, fortresses ter-

raced up to the eye, temples mountain size, all brilliant with lines of horizontal color-streaks of solid hues a few feet in width, and streaks a thousand feet wide—yellow mingled with white and gray, orange, dull red, brown, blue, carmine, green—all blending in the sunlight into one transcendant suffusion of splendor. A multitude of mountains like the Catskill and Holyoke, could be hidden away in this Grand Canon.

From the rim one can look down upon mountains of sloping bases of ashy gray and bluish—they rise in a series of terraces of a thousand-feet wall of dark red sandstone, and many fantastic sculptures to a final row of gigantic opera glasses seven thousand feet above the river. No matter how many descriptions you may read of the Grand Canon, when you see it for the first time—its profound depths, its colossal heights, its myriad and matchless colors, its brilliant hues, its striking lights and shades, and its tout-ensemble, will fill you with a mingled sense of awe, wonder, admiration and reverence.

One peculiar effect you will never notice elsewhere. It is well known that the blue sky is not blue, and there is no sky. Blue is the color of the atmosphere, and when seen in the skies of deep overhead, or condensed in a jar, it shows its own true color, so looking into this inconceivable Canon the true color comes out most beauteously. There is a background of red and yellowish rocks, which make the cold blue blush with warm color. The sapphire is backed with sardonyx, and the bluish white of the chalcedony is half pellucid with the gold chrysolite behind it.

Herein the Grand Geometrician of the Universe was laying the foundation for His Perfect City, and the light of it seemed fit for the masters to walk therein, and to have been made by the luminousness of Him Who is light.

A whole day is taken to go down to the river and return. You journey along a zig-zag trail for seven miles, a trail at times frightfully steep.

The Canon is now easily reached by rail. The main line of the Santa Fe Railroad passes Williams, Arizona, where splendidly equipped trains make connection for the Canon and run within a few feet of the rim.

There, guides, burros and horses may be obtained with all the necessaries for the trip. Hotel accommodations are good.

The educational advantages of Arizona are rapidly improving. We have public, high and normal schools, and a university.

I believe Arizona possesses the best locations in the world for sanatoria for the treatment and care of tuberculosis; and to you who wish to legislate against tuberculous people, I say send them out to us, and we will make strong and well men and women of the weaklings.

PROFESSOR ROBERT KOCH REVIEWED.

BY C. C. CARROLL, M. D., OF NEW YORK CITY.

At the meeting of the Congress on Tuberculosis in London, Prof. Robert Koch startled the scientific world in a paper which he read before that body, in which he took a position regarding the inter-infectious character of tuberculosis between the human and bovine families at variance with the generally accepted opinion of the medical profession of all countries.

The first statement that Prof. Koch makes is, that human bacilli derived from sputa of consumptive patients will not infect cattle. Ergo, cattle bacilli will not infect the human family. The proof that he offers in substantiation of this claim is, first,—that he experimented on nineteen head of young cattle which he fed, sprayed and inoculated with human sputa of consumptive patients for a period of six months, and quoting him, "in internal organs not a trace of tuberculosis was found." By the term internal organs, we suppose that he has reference to the viscera of these animals. Might he not have found bacilli had he gone outside of the viscera, or the internal organs, as it is a known fact, well authenticated by all State veterinary inspectors for tuberculosis, that organs outside of the viscera are quite as liable to contain tubercles abounding in bacilli as are the internal organs. The flank in the bullock or cow more frequently contains bacilli than do internal organs, therefore, would the deduction from his autopsies be regarded as thoroughly scientific and final? Apropos to this question, the New York State inspector, Dr. Faust, of Poughkeepsie, in 1896, was called to inspect the cattle on the farm of Governor Morton, and among the cattle that Governor Morton possessed was one cow of very great value, that was supposed to be entirely free from tuberculosis, and was called his "baby cow," because her milk was specially kept for young babies. This cow was supposed to

be worth $1.000, and when he went to inspect Governor Morton's herd, a protest was made against his inspecting and condemning this cow; nevertheless, the inspection was made; tuberculin was injected into this valuable Guernsey cow, and as a result of this tuberculin test, a rise of temperature followed, indicative of tuberculosis, latent or active. There was gathered to witness the killing, as this cow excited a great deal of interest, being a cow of great value and belonging to Governor Morton, a number of the medical and veterinary profession, as well as the farmers of the surrounding country. There was a provision of the law existing at that time, that if the inspector failed to show tuberculosis, then the State was to be held for the value of the cow. This was sought to be shifted from the State to the shoulders of the inspector, which Dr. Faust accepted, believing so strongly in his diagnosis by the use of tuberculin. After slaughtering, an examination was carefully made of the liver, stomach, bowels, kidneys, spleen and udder without finding present any tubercles whatever. In this stage of autopsy it looked as though the State inspector would have to stand the loss of this valuable cow. The multitude of physicians, veterinaries and farmers that were watching with intense interest the result, began to sympathize in whispering tones with poor Dr. Faust. The doctor himself looked puzzled, but all at once bethought himself that he had not opened into the flank, which he did, and to the surprise of every one he found a tubercle as large as a hen's egg, containing bacilli tuberculosis, hence, the loss fell upon the Governor and not upon Dr. Faust or the State. Had Dr. Faust confined his autopsy to the lungs, liver, stomach and bowels, the viscera of the animal, as did Dr. Koch in his cases reported, this tuberculous animal would have passed as non-tuberculous, hence, the diagnosis made by Dr. Koch, would have been in this case misleading and erroneous. Dr. Koch says that in his efforts to induce infection by inhalation and by ingestion, were failures, but that his inoculation, he admits, did infect and that bacilli were found in the foci of suppuration, where he injected the human virus. Is this not an admission of the whole ground, that the bovine can be infected by the bacilli of the human?

Third:—Prof. Koch make a statement that "this is exactly

what one finds when one injects dead tubercle bacilli under the skin of animals liable to contagion." This statement would seem to be somewhat ambiguous. Does he mean all animals are liable, as are all humans, to contagion? Or, does he mean all animals already infected, but in a quiescent state, that tuberculin would fire up into activity? His own statement is that "if the animals which were experimented on were affected by the living bacillus, exactly as they would have been by a dead one, they were absolutely unsusceptible to them." Is this deduction legitimate, from the terms above mentioned, when it was shown in his own paper that the bovines in question were infected by inoculation, hence, not absolutely unsusceptible to infection by human bacilli. What Dr. Koch would seem to have proven, which is of interest to all, is that the bacilli of bovine consumption is much more virulent than that of the human consumption, and that the period of inoculation from bovine infection is shorter, producing all the symptoms of ptomaine poison, such as high temperature, high pulse and high respiration move rapidly. The point Dr Koch seeks to make is that the meat, milk and possibly butter and cheese from the bovine family will not infect or cause tuberculosis in the human family. Were this true it would be a source of great relief to all consumers of meat, milk, butter and cheese, but so far as I am able to apprehend the paper, has the distinguished professor adduced any evidence in proof that would make it safe for us to eat meat, butter and cheese and drink milk from a bovine family that was known to be tuberculous? Would the State be justified in allowing butchers to furnish the market with tuberculous meat, or diarymen to supply our homes with tuberculous milk, butter and cheese products? On the contrary, we should be very careful to prohibit from our homes, all tuberculous meat, milk and other diary products, if the experiments of distinguished and capable observers in the medical and veterinary professions are to be relied upon. A doctor of Philadelphia states positively that he traced directly consumption of a child that was brought up on the bottle, to the milk of a tuberculosis cow upon which it was fed. It has been observed by all physicians, that children who are brought up on the bottle, are more likely to be tuberculous than are those that are nursed by their own healthy mothers.

Again, it is a matter of observation that children are more frequently consumptive than adults, and as milk constitutes much of the food of children of all countries, may this not be one of the reasons why so many more young children die with tuberculosis than do adults?

Dr. Koch alleges that because the bovine bacillus is larger than the human bacillus, therefore, it is to be differentiated from the human bacillus. Is not this fact due to environment instead of a difference of bacillus? The human bacillus differs in size and markings in different subjects. We find in small, emaciated and far-gone cases, the bacilli are smaller and with less distinct spore markings than are found in larger and more robust patients.

It would seem that the size and number of spore markings is in some degree dependent on the soil in which the bacilli is found. Again, the period of incubation and more rapid progress of the disease in the bovine would look as if they were not the same bacillus. Here, again, environment might account for the seeming difference. The human bacillus multiplies much more rapidly and is much more vigorous when the temperature of the patient is much above normal. They are more sluggish and less virulent when the temperature is at or below normal, say at 98.5 degrees or below normal, human temperature, and as the temperature of the bovine family is 101.5 degrees Fahrenheit, some three degrees higher than the human, would we not expect a greater virulence and more rapid progress of the disease in the bovine than in the human, the very condition of things that is found. In the cattle the bacilli find a richer and warmer soil, a better pasture in which to feed and grow. I would, therefore, enter the plea of the Scotch verdict, "Case not proven."

BACTERIOLOGY IN TUBERCULOSIS.

Dr. James Carroll, of the United States Army, stationed at the Army Medical Museum at Washington, takes an interest in this subject, and he sends the following communication to the discussion of this branch of the subject. His letter is given below:

Army Medical Museum,
Washington, D. C., May 28, 1902.

Clark Bell, Esq., Secretary American Congress of Tuberculosis, 39 Broadway, N. Y.:

Dear Sir:—I am in receipt of your letter of the 23rd instant and beg to thank you for the honor conveyed in your invitation to participate in the discussion on June 2nd.

I am now working on a paper for the meeting of the Association of Military Surgeons on June 4th, and regret very much that I cannot come on to enjoy the pleasure of being present at your meeting.

There is one point in regard to the working out of a cure for tuberculosis that I would like to mention, for it seems to me that it would be worth trying by some one who possesses the facilities, and can devote the time necessary for the careful performance of the work. A great many attempts along different lines have been made to obtain an agent that will cure this disease, so far as I know, without success.

I would suggest some such line as the following: In nature we have an infinite number of bacteria, each of which elaborates a product peculiar to itself, so that probably no two of these products are exactly alike. It is possible and even probable that among such an unlimited number of bacteria there is one or more whose products will inhibit or preteria there are one or more whose products will inhibit or prevent the growth of the tubercle bacillus. A filtrate from a culture of such an organism might prove of value in the cure of tuberculosis in the human being, either by direct action, or by induc-

Contributed to the American Congress on Tuberculosis, June 3, 1902.

ing the elaboration of some protective substance, by the tissue cells of an infected individual. We know that the destructive action of certain pathogenic bacteria is interfered with or prevented by simultaneous or subsequent inoculation with certain other organisms or their products. Why then should there not be one that will antagonize the action of the tubercle bacillus in the same way?

The work might be begun in some such way as this: Take ten young guinea-pigs and inoculate each with a small quantity of a virulent culture of tuberculosis. After ten days or two weeks inject each animal with one or two cubic centimeters of the filtrate from a bouillon culture of any organism, saprophytic or pathogenic. Should the animals still survive, repeat the injections at weekly intervals for several months, then kill them all and note the relative progress of development of the tubercular lesions in each. There would certainly be some differences, and possibly in a large series some would show a complete arrest of the process. Here would be the clue. Having secured a sufficient number of encouraging results repeat the experiments, using only material from the cultures that had given good results. By varying the constitution of the medium the inhibitory power of the filtrate might be increased, and finally, if the first successes be repeatedly confirmed, the same material might be used cautiously upon human beings in comparatively early stages of the disease.

Very truly yours,

JAMES CARROLL,
Contract Surgeon, U. S. Army.

TOXICOLOGICAL.

The President announces that the action of the Medico-Legal Society at its January and February meetings, has, it is hoped, laid the foundations on a good, sound basis for a Section on Chemistry, and all the allied sciences of bacteriology,physiology,microscopsy, morphology, and he hopes that students in these important branches and departments,can be induced to unite with this Section,at a nominal subscription of $1.50 per annum, entitling them to the Medico-Legal Journal free.

The studies in blood serum, and the suggestions of Dr. Hitchen's valuable paper, will be in line with this work. Steps are now being taken to organize this Section and enlist interested men, who are students of the problems involved, in their relations to forensic medicine, and all who wish to be identified with this branch of study, and in such a Section, are requested to send name and address to the President of the Medico-Legal Society.

The elaborate paper of Dr. Hitchens, on the medico-legal value of "Immune Serum," was discussed at the February meeting of the Medico-Legal Society, by Prof. John Phin, the President and others, and the following letter of Dr. J. S. Billings, Jr., whose name had been suggested by the President of the Board of Health of the City of New York, was read:

New York, Feb. 17, 1903.

DEPARTMENT OF HEALTH.

City of New York.

Dear Mr. Bell:—I find on reading the enclosed, that I have nothing to add or to criticise about it. It is an excellent piece of compilation and covers the ground thoroughly without going into tedious details. Regretting I cannot be with you to-morrow night, I remain, Very truly yours,

J. S. BILLINGS, JR.

To Clark Bell, Esq., 39 Broadway.

We hope to later present the views of others, who from the shortness of time, was unable to see Dr. Hitchen's paper, or hear it. It will be submitted for criticism to those most competent to speak of its merits.

NORMAL ARSENIC.

In the inaugural address of the President, January, 1903, allusion was made to the announcements made of the experiments of Gautier and the relation of arsenic to organic matter.

It was particularly desired that the attention of our chemists be directed to this subject. Professor R. Ogden Doremus, President Butler of Columbia, and Dr. Ernest Lederle, of the Board of Health of New York City, were requested to give names and addresses of students of this subject.

The letter of Prof. Doremus, giving his experiences of over forty years ago, was read at the February meeting of the Medico-Legal Society:

ARSENIC—IS IT GENERALLY DIFFUSED IN MATTER?

Hon. Clark Bell, Jan. 19, 1903.

Dear Sir:—In 1859, during the toxicological examination of the remains of the wife of James Stephens, the question of "normal arsenic" was presented.

The renowned French Toxicologist Orfili claimed that all human bodies contained arsenic.

A commission was appointed to witness his experiments. Portions of three human livers were analyzed and no arsenic found.

As an eminent New York physician had heard only of Orfili's analysis of part of one human liver, and not of the sequel, and suggest- that possibly Mrs. Stephen's body, in which I had found arsenic, might be from normal arsenic, I told District Attorney, Ex-Judge Nelson J. Waterbury, that I wished to analyze an entire human body.

The District Attorney, John Sedgwick (afterwards made a Judge), sent me the body of a young woman who had been arrested for drunkenness, and being incarcerated in a cell during an excessively cold night, froze to death.

I carefully analyzed her entire body by improved methods I had devised, which surpassed in delicacy any hitherto known. (See picture of apparatus and detailed account in Standard Dictionary, Funk & Wagnalls, under the word "Tests") and failed to detect any traces of arsenic.

Professor E. R. Chandler, when Professor of Chemistry in Union College, published in the newspapers that possibly the coffin in which Mrs. Stephens had been buried a year, might have contained arsenic in sufficient quantities to impregnate her body! I therefore, asked the District Attorney for the coffin. I analyzed parts of the coffin, also its lining, the shroud of Mrs. Stephens, and even the nails of the coffin, but found no traces of arsenic in any of them.

(I also took medicinal doses of arsenic to determine how speedily it would appear in the urine, and obtained evidences of it within a few hours, thus demonstrating that it is not like lead, an accumulating poison.)

This early investigation has great public interest. Dr. William J. Gies, to whom President Butler, of Columbia, referred me, sent me the following letter:

COLUMBIA UNIVERSITY.

Department of Physiological Chemistry.

New York, Feb. 17, 1903.

Dr. Clark Bell, 39 Broadway.

Dear Sir:—In my mail this morning I find a note from President Butler enclosing your letter to him of the 16th. I wish I could be present at your meeting to-morrow evening, but another engagement of a similar character makes it impossible for me to attend it.

The weight of experimental evidence up to now is, I think, in favor of the view that traces of arsenic are present in most plants and animals, and in most of the food we eat. I have no doubt, however, that much that has been contended in this direction is based on defective experimentation, such as the use of reagents containing traces of arsenic. It is going to require many more experiments by thoroughly competent chemists to finally settle the matter, and I am glad to know that Professor Doremus has turned his attention to the problem. Yours very truly,

WILLIAM J. GIES.

Replies from others are solicited for later use,—of those unable to take part in the discussion, and chemists not members of the body are invited to contribute to this discussion.

INAUGURAL ADDRESS

OF

CLARK BELL, ESQ., LL. D., PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

Pronounced Jan. 21, 1903.

Fellows of the Medico-Legal Society:—

The present occasion is one of unusual interest. We signalize our installation ceremonies by tendering a complimentary dinner and reception to the three Judges of the Supreme Bench of the city, who have just closed their judicial services and who resume the practice of their profession at the Bar of our city.

This pleasant and interesting tribute makes it incumbent on me to be as brief as possible in discharging a duty that has fallen on the incoming Presidents of this Society for more than thirty-one years,—since January, 1872,—when I first came into the discharge of the duties of this office.

This body has been most actively engaged during the year 1902, and, perhaps in no year of its history, can it point with greater pride to its record of labor. It has two Sections.

THE PSYCHOLOGICAL SECTION.

The annual report of this Section, which is submitted to-night, reviews its greatest activities.

1. The organization and successful convocation of the American Congress on Tuberculosis, which met in this city on June 2, 3 and 4th last, in joint session with this body, and was under the protection and affirmative support of the Government of the United States, on the occasion of a re-union of Representatives of a large number of all the Governments of the Central and South American States, and the Canadas, to consider the best methods of arresting the spread of this terrible disease, by legislative action.

A permanent organization was perfected, with Vice-Presidents from nearly every American State, from both the professions of law and medicine, and with similar officials in for-

eign countries, and its labors will result in a Bulletin that will contain the major part of its contributions, which has already in type over 300 pages, and will form a permanent monument to the energy, industry and success of its promoters; which will reflect the greatest credit upon this Society, and by far exceeding any of its great labors of the past.

2. The production of a brochure, containing the views of upwards of twenty of its members, on Hypnotism, Spiritism, and Telepathy in connection with the case of Mrs. Leonora Piper, which has been published during the year 1902.

3. We have completed and published the Bulletin of the American Congress on Tuberculosis of 1901, a fine, large volume among the year's publications, containing over 313 pages.

This body has outlined and opened the plan of a concentrated movement for the repeal of the Lunacy Legislation of last year, that has wrested the care, control, supervision and management of the insane in our State institutions, from the local Boards,who have hitherto administered them with signal ability and success, and transferred them to the domain of partisan politics in the supposed interest of the political party, now, or lately dominant in the State, over the protest of nearly all the philanthropic and charitable institutions of this great State, and this Society has asked the co-operation of all good citizens in a campaign against this action and legislation, which it is willing to carry forward until the vicious legislation is repealed, and the unfortunate wards of the State are rescued from their present unfortunate position.

In response to the instructions of this body, I take this occasion to return thanks to the Government of the United States, and the Secretary of State, Hon. John Hay, and his Assistant, Hon. D. J. Hill, for the splendid aid and support that the Government of the United States lent to the movement to interest the Governments in all the countries and republics in Central and South America, and Mexico and in the Canadas, in inducing them to co-operate in the labors of this Society in originating and organizing the American Congress on Tuberculosis, and in aid of concerted action and labor towards the adoption of such preventive legislation, as might be deemed of value in averting the undue spread of this greatest scourge of the race; and in furth-

erance of initial movements of the American Government already in force, and in contemplation looking to relieving its ravages in our own Army and Navy, and to prevent its undue spread by preventing improper immigration of advanced cases of consumption, on the basis of its being an infectious and contagious disease, which it was the duty of the Government to control and regulate as a precautionary measure in the interest of the public health.

The action of the Departments of State and of War, has been so conspicuous and of such enormous value to this Society, in furthering and aiding its labors, that as a recognition on our part, I have the honor to recommend that Hon. John Hay, Secretary of State, and Hon. D. J. Hill, First Assistant Secretary of State, in addition to our warmest thanks, be elected Honorary Members of the Medico-Legal Society.

The thanks of the Society are also due to ex-Surgeon-General George M. Sternberg, of the United States Army, who aided our exhibition at the Museum opened by The American Congress on Tuberculosis, by loaning for exhibition, superior collections from the Museum of the Army of the United States, detailing Capt. Henry Snyder, of the Army of the United States, to have the same in charge, and who served as a member of the Committee on the Museum, and I take pleasure in asking that the name of Surgeon-General George M. Sternberg, (retired), be placed on the list of Honorary Members of this body, with that of Surgeon-General Rixey, of the Department of the Navy, who detailed officers of the Navy to take part in the work of the American Congress on Tuberculosis, organized by this Society, and which sat in joint session with it.

No such conspicuous, concerted movement, originating in a scientific body, ever considered questions of higher interest in forensic medicine, or affecting more profoundly the entire population of the whole Western Hemisphere, of all the American governments occupying the countries of North,Central and South America; no graver questions of forensic medicine could be presented to the American Republics of the Western Hemisphere, nor to the people of the Dominion of Canada and New Foundland, or the subjects of King Edward on the North American Continent; none that required graver consideration of the best learning, the best brain and the noblest

endeavor of the legal, as well as the medical professions; as were the problems presented by this movement, and men of both professions of law and medicine were identified with the movement and its work, from the Governors of many of these States and countries, to other equally representative men; and the splendid aid and countenance given to our work by the Government of the U. S., marks a new and honorable record for the breadth of view and generous sympathy of the Government of the United States in all scientific endeavor that aims at the welfare of mankind, irrespective of color, race, creed or language.

THE SECTION OF MEDICO-LEGAL SURGERY.

The annual report of this Section, which also accompanies my address, shows the list of its officers and members, and the report of its Treasurer shows its total cash receipts for the year, incuding cash on hand, at $107.08, and its disbursements at $70.50, leaving a balance in the Treasury of $36.58.

SECTION OF CHEMISTRY.

I reccommend the creation of a Section on Chemistry, on a basis similar to the other Sections, with a membership at the nominal subscription of $1.50 per annum, the same as the other Sections, with a board of officers, chairman, vice-chairman, secretary and treasurer.

This reccommendation has the approval of the Executive Committee. If some of the leading chemists of the country would identify themselves with this work, it could be of great public service in toxicological cases. It would add to the value and usefulness of this section if it also embraced microscopsy, bacteriological and morphological investigation and questions in forensic medicine pertaining to pathological and physiological studies and those of human anatomy.

The questions of how far arsenic is contained in all forms of matter, organic and inorganic, is one to which our attention has been called by Gautier, and these and similar questions should come to the attention of such a section, as well as the question of how to discriminate after death, when the cadaver has been filled by the so-called process of embalming with arsenic, between the effects of arsenic taken in life and that absorbed after death.

This is an important question on which chemistry seems thus far to lend no aid in its solution.

The comparison of the tissue by the microscope, and other means of study where arsenic was clearly the cause of death, with the tissue where the arsenic was absorbed after death, will doubtless shed light on this inquiry, as well as the studies of cell structure and of serum.

HONORARY MEMBERS—HOME.

There are names on our active list that have long stood as representing the best work of this body, and identified with it in our past, who are entitled to recognition for their past labors.

It gives me supreme pleasure to pay my tribute to the work and the labor done by the names, through many years, some of them dating back a quarter of a century and more; men who have grown gray in our service, and men who are not weary in well-doing, some of whom are with us tonight. I recommend that the following names be added to our list of Honorary members, selected from the most valued of our active and corresponding list:

Hon. Simeon E. Baldwin, of the Supreme Bench of the State of Connecticut.

Hon. Isaac S. Blodgett, Chief Justice of the Supreme Court of New Hampshire.

Hon. Geo. B. Bradley, Ex-Justice of the Supreme Court of New York and Ex-Associate Justice of the Court of Appeals.

Hon. Walter Clark, of the Supreme Court of North Carolina.

Prof. R. H. Chittenden, Yale University, New Haven, Conn.

Hon. Abraham H. Dailey, Ex-Surrogate of Kings County, and ex-President of the Medico-Legal Society, of New York.

Hon. John F. Dillon, ex-Justice of the Supreme Court of Iowa.

Prof. Dr. F. W. Draper, M. D., Professor of Medical Jurisprudence, Boston, Mass.

Hon. Charles Donohue, ex-Justice Supreme Court of New York.

Hon. Moritz Ellinger, ex-Coronor of New York and for many years Corresponding Secretary of the Medico-Legal Society.

Hon. Marshall D. Ewell, Professor of Medical Jurisprudence, Chicago, Ill.

Hon. Ignatius C. Grubb, of the Supreme Court of Delaware.

Hon. Oliver Wendell Holmes, ex-Chief Justice Supreme Court of Massachusetts, and Associate Justice Supreme Court of the United States.

Richard Hodgson, LL. D., Society of Psychical Research, Boston, Mass.

Prof. Wm. James, Harvard University, Cambridge, Mass.

Hon. Wm. J. Larned, ex-Justice Supreme Court of New York, Albany.

Prof. G. T. Ladd, Yale University, New Haven, Conn.

Hon. Judson S. Landon,ex-Justice Supreme Court and ex-Associate Justice N. Y. Court of Appeals, Schenectady, N. Y.

Hon. Jacob F. Miller, ex-member N. Y. Assembly and ex-President Medico-Legal Society.

Hon. James T. Mitchell, of the Supreme Bench of Pennsylvania, Philadelphia.

Prof. John Ordronoux, Esq., Professor Medical Jurisprudence, ex-President State Lunacy Commission of New York.

Hon. Alton B. Parker, Chief Justice N. Y. Court of Appeals.

Hon. Charles Peters, Chief Justice Supreme Court of Maine.

Hon. R. A. Parmenter, ex-State Senator, Troy, N. Y.

Hon. Chas. M. Start Chief Justice Supreme Court of Minnesota.

Hon. John H. Stiness, Chief Justice Supreme Court of Rhode Island.

Hon. Pardon C. Tillinghast. of the Supreme Bench of Rhode Island.

ENGLAND.

Sir J. Chrichton Brown, M. D., London, England.

G. Fielding Blanford, M. D., ex-President British Medico-Psychological Association, London, England.

Henry Rayner, M. D., ex-President British Medico-Psychological Association 16 Queen Anne St., London, England.

H. Hayes Newington, M. D., er-President British Medico-Psychological Association, Ticehurst, Sussex, England.

Dr. Wm. Orange, England, late Superintendent of Asylums for Insane Criminals, at Broadmoor, England.

Prof. Dr. Nina Roderigues, of Bahia, Brazil.

FRANCE.

Dr. Anton Ritti, Supt. etc., Paris France.

Senator Theopile Rousselle, Senator of France, Paris.

Dr. Jules Socquet, Sec'y Medico-Legal Society of France, Paris.

SCOTLAND.

Dr. Daniel Yellowlees, ex-President British Medico-Psychological Association, Edinburgh, Scotland.

T. S. Clouston, M. D., ex-President British Medico-Psychological Association; Sup't Royal Asylum, Morningside, Edinburgh, Scotland.

H. W. Ireland, M. D., Alienist, Author and Medico-Legal Jurist, Musselburg, Scotland.

ITALY.

Prof. Dr. Morselli, Institute of Genoa, Italy.

RUSSIA.

Prof. Dr. P. J. Kovalevsky, Kharkoff, Russia.

EDITORIAL NOTE—MEDICO-LEGAL SOCIETY.

The names recommended by the President in his inaugural address, were duly elected at the February meeting of the Society, and the following Active and Corresponding Members on nomination of Mr. Clark Bell, Esq., viz.:

ACTIVE.

Dr. Leon Audain, President Medical College, Port au Prince Hayti

Hon. Judge Jeremie, Cour de Cassation, Port au Prince, Hayti.

Louis J. Nicolas, Delegate to the American Congress on Tuberculosis, and late Consul General at New York, Ha'ti.

CORRESPONDING.

Prof. Dr. Ceni, Institute of Psychiatry, Reggio Emillia, Italy.
Prof. Dr. L. Bianchi, Editor of Amiali de Institute Psychiatrico, Naples Italy.
Prof. Dr. Sciamaina, Institute of Psychiatry, Rome, Italy.
Prof. Dr. Tanzi, Rivista di Patologia, Nervosa e Nientale, Florence, Italy.
Prof. Dr. Ventra de Manicomio, Nocera Inferiore, Italy.
Prof. Dr. Lugaro, Florence, Italy.
Prof. Dr. Mantegazza Archivio per l Anthropologia, e. e. Etnografia, Florence, Italy.
Prof. Dr. Portigliotti, of Italy.
Dr. G. Cesare Ferrari, of Italy.
Dr. Parnisetti, of Italy.
Dr. de Sanctis, Reggio, Emillia, Italy.
Dr. Burzio, of Italy.
Dr. Frigerio, of Italy.
Prof. Dr. Salemi Pace, Il Pisani, Palermo, Italy.
Prof. Dr. Hoche, of Frieburg, Baden. Germany.
Dr. Deiter, Halle, Germany.
Dr. J. Bresler, Germany.

THE OFFICE OF CORONER.

The time has come at last when the useless office of Coroner should be abolished.

The amendments to the Constitution of the State removed the Constitutional objection, and the subject was relegated to the Legislature.

The medical societies of the State and cities are now substantially in accord in demanding the abolition of the office here.

The old system seems to die hard. All the counties of the State, except Greater New York, have been relieved.

This Society has been constant in its demands for this reform, and adopted by unanimous vote the abolition of the office of coroner for Greater New York, at its December meeting last.

The Massachusetts system has worked well.

If the Coroner is retained it should be held only by an experienced lawyer, of at least five years' practice, to try the case on its law side, while the medical examiner should have charge on the medical side.

There is no room or use for the Coroner's system as it now exists in New York city.

No physician of even the second or third rate would accept it, and it is degraded in the eyes of the medical profession..

The Police Magistrates are far above the Coroners, as to fitness, to try the cases now, and would prevent the scandals of the present system.

A bill to change the whole system will meet universal approval, except, perhaps, the Coroners themselves, and we hope that the Legislature this year will re-construct the whole system.

NECROLOGY.

There have been six deaths on our active list in 1902:

Chief Justice Urbano Sanches Hechevaria, of the Supreme Court of Santiago, Cuba, and Vice-President for Cuba.

Dr. Wyatt Johnson, of Montreal, Canada, Vice-President for the Province of Quebec.

Major E. K. Pangborn, of Jersey City, N. J.

Selden H. Talcott, Supt. Insane Hospital, Middletown, N. Y.

John M. Harcourt, M. D., Supt. of State Hospital, S. Dak., Vice-President for that State.

Judge Albert H. Horton, late Chief Justice of Kansas, and Vice-President for that State.

All men of commanding position in the communities where they lived, and of distinction in the Society.

In the Roll of Honorary Members seven have died, if we include Prof. Axel Key, of Stockholm, Sweden, the news of whose death did not reach us until 1902:

Hon. Geo. B. Andrews, Chief Justice of the Supreme Court of Connecticut.

Hon. Noah Davis, ex-Presiding Justice of the General Term of the Supreme Court of this city.

Hon. Robt. Earl, late Chief Justice of the Court of Appeals of this State.

Prof. Dr. Krafft-Ebing, for many years identified with our labors as corresponding member.

Hon. Luther R. Marsh, of Middletown, at the advanced age of ninety-one years, and Prof. Dr. Rudolph Virchow.

The loss of these seven lustrous names removed a constellation in one year, from the luminous galaxy of our body, all stars of the first magnitude in that domain of science to which our labors have been addressed.

ON THE ABOLITION OF THE CORONER.

BY HARRY R. PURDY, M. D.

In inviting me here to speak on the subject of the coronership, your honored President is most magnanimous, for this is a hobby that he has ridden for twenty years. I am, however, quite willing to introduce the subject, especially, if by so doing, I shall provoke him, Dr. Stephen Smith and others, to a discussion that may instruct us all.

The office of Coroner is one of the oldest known to Anglo-Saxon civilization. It is mentioned in a charter of King Athelstan, 905 A. D. "It originated in ages of disorder and lawessness, when there was hardly anything corresponding to a police force." The King needed an officer to investigate cases of peculiar death and to collect booty or treasure-trove. This Crown officer was called crowner or coroner. When government attained a more elaborate organization, this officer became of little value. Even in England, the people have long held him in contempt. Blackstone, in his time, complained that "The office had come to be sought for the perquisites and not for the honor of serving the country;" and, to-day, in England, it is alleged that the Coroner makes a job of his office, trumps up cases and acts vexatiously at variance with the warrants of magistrates.

Notwithstanding that this autocratic officer has been abused, and the object of jests for centuries, he continues to take himself seriously. A few instances will suffice to illustrate this. They will also illustrate the sort of intelligence that usually marks the holders of this office. In England, recently, an inquest was held on a many hundred year old mummy of a South American Princess. Under the direction of the coroner, the jury found "that deceased came to her death by

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causes unknown; that there were no marks of violence on her body and that nobody was to blame."

In this city not long since, a certain person died and a verdict was rendered by a coroner's jury, "that M. H. came to his death, etc.,"—he is a lady.

Not very far from this city, and within a year, the dead body of a man was found, and a pistol and fifty dollars in money were discovered in his pockets. The Coroner confiscated the pistol, fined the dead man $1.00 for carrying a concealed weapon, and $49.00 as costs of the inquest.

Let me tell you how Coroner' jurors are drawn in this city. A clerk issent out with a lot of blank summonses. He looks up at a sign, writes the name on a summons, goes into the store and leaves it. One day he wrote down R. Levy,—the next day a matronly woman walked into the Coroner's court and inquired what was wanted with her, at the same time presenting the summons. She was told it was a jury notice. "Well!" said she, "I did not know before that women could act as jurors!" She was excused.

In this city, not long ago, a coroner appeared before the Commissioners of Accounts and asked for $62,220.00. The case of the replevin clerk was discussed. "How many writs did your replevin clerk serve last year?" asked Mr. Grout. "Nine," (9) said the Coroner. "What!" said Mr. Grout, "you pay $2,200 for a man to serve nine writs?" The Coroner insisted that he needed the clerk to watch his desk. "Why don't you nail it to the floor? Do you think the city would lose much, if we did not appropriate anything?" "I do, indeed," excitedly replied the Coroner.

In the language of Mr. Dooley, "the Coronership is the vermiform appendix of the Municipal Administration, and we should cut it out."

Now, what do the men do for the money that is paid them? Before the fee system was abolished, the Coroners, when informed of a death occurring under suspicious circumstances, rushed like vultures to claim the body, and the one that arrived first was envied and abused by all the others. It has been charged that in those "good old days" more than one inquest was held on the same body. Since salaries have been paid, Coroners have not been so anxious and so prompt in investigating a peculiar death, unless the case was a celebrat-

ed one. Each one does as little as he possibly can. It happens that inquests are sometimes held weeks—yes, months—after the occurrence of a death—time enough to permit a criminal to run away, even though he were legless.

The Coroners get the lion's share of the money appropriated, while the only too poorly paid physicians do all the important work. The physicians examine, say a hundred, dead bodies; on only about twenty-three of these bodies do the Coroners hold inquests, and these inquests are the most farcial things outside of a comic opera, and they are of no aid whatsoever, to the cause of justice; no one pays the slightest attention to them, especially in serious cases. The District Attorney, Police and Grand Jury proceed to investigate crimes as though no coroner existed, and when this officer protests, they brush him aside, as though he were a troublesome fly. As a matter of fact, the coroners, by their blustering interference and bombast, have frequently obstructed the investigation of serious crimes and accidents.

Before making more serious charges against the holders of this office, I wish to say that I do not include the present coroners in this city. One of them told me that there was no more blackmail connected with the office, and that physicians need not be in dread of being unjustly accused and arrested as formerly. I was so glad to hear this that I am willing to believe that if the present coroners do things that seem irregular—like withholding from the Board of Health and the public the fact that a person committed suicide in one of our large hotels—they do them through purely philanthropic motives.

Their devotion to Civil Service Reform is proved by their treatment of certain Coroner's physicians, who have had from ten to fourteen years' experience in the important work of this position. But, alas, we may not always have reformers who will accept an office that is so despised. I have no fight with any man. It is a system that is "so rank that it smells to Heaven" that I am fighting. Now, speaking generally, I charge that the office is a mere money-making machine; that Coroners have been guilty of bribery and corruption, both before and after election; that they have fraudulently presented false bills of inquests; that they have taken unlawful fees; that they have oppressed the poor and favored the rich; that they have been charged with robbing the pockets of the dead;

that death has probably been hastened by a Coroner taking a jury to the bedside of a dying girl; that sometimes twenty-four hours have elapsed before a Coroner has viewed the body of a person who died under circumstances that warranted the suspicion of crime; that men charged with crime, even murder, have been discharged by the Coroner, only to be immediately re-arrested by the District Attorney's officers, tried and convicted,—tending to prove that the findings of the Coroner's Court are valueless for any future legal proceedings.

It is hardly necessary for me to say that I favor the instant abolition of this worse than useless office; an office that would have been abolished long ago, had not certain influential men been reluctant to curtail political patronage.

In my opinion, we should borrow all that appears to be good from the laws of Massachusetts and New Jersey; that is, we should adopt a system that will insure that men learned in the law hold the inquests, without a jury, and that men learned in the science of pathology conduct the post-mortem examinations.

If lawyers and physicians, working together, cannot bring about the abolition of this expensive relic of monarchical barbarism, the Coronership, they must confess their political impotence—a confession that should bring to their cheeks the blush of shame.

PROPOSED CHANGES IN THE LAW RELATING TO THE OFFICE AND DUTIES OF CORONERS.

BY DR. STEPHEN SMITH,
Late State Commissioner in Lunacy of New York City.

Mr. President:—

When you invited me to be present at the Annual Dinner of the Medico-Legal Society and discuss the proposed changes of the law relating to Coroners, I was reminded of a statement of the New York Law Journal, June 19th, 1875.—"There is, perhaps, no subject, outside of its annual dinner, to which, in the interests of the tax-payer and the people at large, the Medico-Legal Society could more advantageously direct their combined scientific knowledge and ripe judgments, than that wretched muddle known as 'Crowner's quest law." Although this statement was made more than a quarter of a century ago, this Society has not yet succeeded, with all "their combined scientific knowledge and ripe judgments," to reform the "Crowner's quest law." My purpose this evening is to call the attention of the Society, with your permission, to a movement of the New York County Medical Association to secure such legislation during the next session of the Legislature, as will abolish the office of Coroner and substitute an adequate system of verification of deaths from uncertain causes, and where there is a suspicion of crime, and ask your co-operation.

In the opinion of the County Medical Association, the time has arrived when sanitary science and public policy demand more exact methods of inquiry into deaths from unknown causes. At the very foundation of an intelligent and efficient administration of laws, rules and regulations for the protection and promotion of the public health, are accurate vital and mortuary investigations and registration. No

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health authority can exercise its functions properly which does not thoroughly understand the causes of sickness and mortality among the people. Prevention is the sole duty of this branch of the public service, and no adequate remedial measures can be adopted and enforced for the protection and promotion of the public health, without accurate information in relation to the causes of diseases, their sources, the laws which govern their development and extension, and the methods of control or prevention. This knowledge can only be adequately obtained by exhaustive inquiry into the circumstances and conditions under which every case of death occurs, by persons fully qualified to employ the latest resources of science in their investigations. We hold, therefore, that it is not only a legitimate function of the health authorities to fully investigate every death, but it is their duty in the interest of the public health and public policy. And especially is this obligation imperative in the cases of deaths from violence, or from sudden and unknown causes, for in general these deaths were preventable.

And such investigations by the properly constituted health authorities are equally essential to the proper administration of criminal justice. Medical science has now attained that perfection in its methods and appliances, in the investigation of the causes of death, that its conclusions have the certainty and exactness of the exact sciences. It has been repeatedly demonstrated that an expert medical examiner can trace in the tissues and organs of the dead the secret history of crime, and often fix the responsibility upon the criminal as no other form of evidence could. And in the same manner it has shielded from punishment the innocent, whom imperfect and superficial examinations of the dead would have condemned.

The Committee of the County Medical Association, appointed to investigate and report upon the abolition of the office of Coroner, have under consideration a scheme by which the duties now devolving upon the Coroner shall be separated and so placed as to secure far greater despatch, much greater accuracy and precision, and withal greater economy. Fortunately we have through the entire State the organized machinery for this purpose. It is evident that the duties of the coroner must be two-fold, viz., (1) A medical inquiry as to the cause of death, and, (2), a judicial in-

quiry as to the perpetrator of the crime, when death was effected by another party. These two inquiries differ widely in their scope and management. The first requires only expert medical knowledge, the second is purely judicial. Though both inquiries are important, the first takes precedence of the second, for on the accuracy of the former depends even the necessity of the latter. The preliminary invstigation should properly, therefore, be made by the medical officer or officrs of the board of health within whose jurisdiction the death occurred. The practicability of imposing this part of the investigation upon the health authorities is apparent when we consider how complete is the sanitary organization and service of the State at the present time. Every city, incorporated village and town is now required by law to have a thoroughly well organized board of health, as will appear from the following references to the Statutes:

Chapter 270, Laws 1885, provides as follows:

Section II. "It shall be the duty of the Common Council, upon the nomination of the mayor of every city in this State, except in the cities of New York, Buffalo, Albany, Yonkers and Brooklyn, . . . to appoint a board of health for such city, to consist of six persons who are not members of said council (one of whom, at least, shall be a competent physician). . . . The mayor of such city shall be a member *ex-officio* of such board of health, and shall be president thereof. The said board of health, when duly organized, shall appoint a competent physician (not a member of said board) who shall be health officer of such city."

Such is the provision for the organization of boards of health in the cities of the State, with the exceptions mentioned. The following is the plan of organizing boards for incorporated villages, provided in the same section:

"And it shall be the duties of the trustees of every incorporated village in this State to appoint, one in each year, a board of health in such village, to consist of not less than three nor more than seven persons (who are not village trustees). . . . The said board of health thus constituted shlla elect a president and apopint a competent physician (not amember of such board) to be the health officer of such village."

Finally, the act provides for boards of health in townships as follows:

"It shall be the duty of the supervisor, the justices of the peace, and the town clerk, in each town in this State, to meet in their respective towns within thirty days from the date of the town election of each year, and elect a citizen of such town, of full age, who with them shall constitute the board of health. The said board shall appoint some competent physician, not a member of the board, to be the health officer for such town."

Such is the law which gives to this State a completely organized public health service, whose jurisdiction covers its entire territory, and which takes cognizance of the health of every community, and of every birth, marriage and death occurring in it. The powers of these boards are very large, as will be seen. Among the duties of the health officer is that of receiving, examining and securing the registration of all certificates, records and causes of death, and findings of coroners' juries. The board is empowered to designate the persons who shall grant burial permits for the burial of the dead, and transmit permits for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the county. And it is made the duty of undertaker, sexton or other person having charge of the body of any dead person, to procure a record of the death, and its probable cause, duly certified by the physician in attendance on the deceased during his last illness; and there shall be no burial or removal of the body of any dead person until said duly certified record shall have been presented to the board of health, or person designated by them, and until thereupon a permit for burial or transit shall have been obtained.

It is made a misdemeanor when any person neglects or refuses to make out or file for registration, any record, or when any person causes, permits, or assists in the burial or removal of any dead body without a permit duly issued.

The board has power also to impose penalties, and to maintain actions in court to collect penalties, not to exceed $100, for the violation of, or non-compliance with, its orders and regulations; to restrain by injunction such violations; to issue warrants to any constable, or police, and to the sheriff, when necessary to bring to their aid the power of the county.

Finally, these local boards of health are under the jurisdiction of the State board of health, which is required to supervise their operations, and whenever they fail to perform their duties properly, in the matter of registration of deaths, to take charge of the records and enforce the rules and regulations.

It is apparent from this review of the organization of the sanitary service of the State, that we have in operation a most complete system of verification of deaths, extending to the remotest districts and communities. In addition, the local

TRANSACTIONS.

THE MEDICO-LEGAL SOCIETY.

ANNUAL MEETING, DECEMBER, 1902.

Presidency of Clark Bell, Esq.

The Medico-Legal Society met at Dinner December 17, 1902, at Hotel Montauk, 55 W. 35th Street, in the City of New York, at 7 P. M., in joint session with the Psychological Section; the President, Clark Bell, presided, and A. A. Jakobi, Assistant Secretary, acted as Secretary. Tellers were named by the Chair: Judge A. H. Dailey, Dr. J. Mount Bleyer and Dr. G. Bettini di Moise and acted as Tellers for the annual meeting, to whom the Assistant Secretary delivered the ballots.

The following were duly elected to membership on the recommendation of Clark Bell, Esq.:

Dr. J. J. Huyler, of Middletown, New York.

Leon Audain, M. D., President of the Board of Health of the Republic of Hayti; President of the Medical College of Port au Prince, Hayti; Founder of the Peau Institute, Port au Prince.

M. Jeremie, Judge of the Court de Cassation (Supreme Court), of the Republic; Member of the Legislative Society of Hayti, and founder of the Haytian Centennial Association.

Louis J. Nichols, Esq., Consul-General at New York for Hayti.

Proposed by Michael J. Langan, Esq.:

Morgan L. Ryan, Esq., Counsellor at Law, New Brighton, Staten Island, N. Y.

R. P. O'Neil, M. D., 940 St. Nicholas Avenue, Manhattan.

The names proposed were duly elected.

The minutes of the November meeting were read and approved. The Chair announced that Mrs. Isabella Beecher Hooker, who had consented to be present and speak, had been unable by reason of her health and the inclemency of the weather, to attend.

The Tellers, at the closing of the polls announced the election of the ticket as nominated. (See another page for the complete list of officers elected.) The report of the Tellers was received and adopted, and the Chair declared the officers reported by the Tellers, as duly elected.

The paper on "Miracles," by Hon. Luther R. Marsh, was read by title, on account of time.

The paper by Prof. Dr. Herman Kornfeld, Honorary Member, of Silesia, entitled "German View of Insanity from the Judicial Standpoint," was then read.

Dr. Harry R. Purdy, of New York, read a paper on "The Abolition of the Coroner."

Dr. Stephen Smith, of New York, read a paper entitled "Proposed Changes in the Law Relating to the Office of Coroner."

HON. ALFRED STECKLER.

HON. WM. A. KEENER.

HON. ERNEST HALL.

RETIRING JUSTICES OF THE SUPREME COURT OF NEW YORK.

JANUARY 1, 1903.

[*From advance sheets Supreme Court of the States and Provinces of North America in Medico-Legal Journal.*]

These papers were discussed by Judge Abram H. Dailey, Hon. Jacob F. Miller, J. R. Abarbanell, Esq., Mrs. Henry McHatton, of Macon Ga.; the Chairman and others.

The Chair recited the steps taken by the Society relating to the abolition of the office of Coroner, and recommended the adoption of a resolution, by reason of the movement now in contemplation, to have the office of Coroner abolished.

"Resolved, That it is the sense of the Medico-Legal Society that the Coroner and his jury are obsolete, and that they should be abolished; and that a Committee, of which the President be a member, be appointed to memorialize the Legislature in favor of the necessary legislation to carry these resolutions into effect."

The following Committee was named: The President, the Secretary, Ex-Coroner Moritz Ellinger, Esq.; Ex- President R. Ogden Doremus, M. D., Ex-President Hubbard W. Mitchell, M. D.

This was unanimously adopted.

Mr. Bell then announced the death of Judge Robert Earl, one of our Honorary Members, and paid a tribute to his life, career and public service. The Society adjourned.

CLARK BELL, President.,
A. A. JAKOBI, Ass't Secretary.

REPORT OF MEMORIAL COMMITTEE.

DR. IRVING C. ROSSE.

Few men who have, through death, been lost to the Medico-Legal Society were better or more favorably known than the subject of the present brief obituary notice. At the time of his decease, (May 4, 1901), and for a considerable period prior thereto, Dr. Rosse was one of the Vice Presidents of the Society a place he filled with honor and distinction. Born at East New Market, Maryland, on the 20th of October 1842, a son of Dr. Zadock H. Rosse, he entered, at a very early period, upon a career destined to be one of incessant labor, activity and renown. He was a graduate of the University of Maryland, of the Class of 1866, and subsequently of the Schools of Medicine of the University of New York, and of Georgetown, D. C., receiving the degree of Master of Arts in the latter. He afterwards visited Europe and took medical lectures at Berlin, Paris, London and Edinburgh. During this period he became a perfect master of the French and German languages. Subsequently he became a great traveller, visiting a great many parts of the world, and at one time had his share of polar exploration in North America, furnished the material for his two well-known works "The Cruise of the Corwin to Alaska, Etc.," and "The First Landing at Wrangle Island." For this Great Britain made him a Fellow of the Royal Geographical Society. Earlier in his career he served as a clinical assistant to the Infirmary at Baltimore, and was, during the War of the Rebellion, a medical cadet, and afterward an Acting Assistant Surgeon in the U. S. Army, from 1863 to 1874. His career in the Army was one of marked activity, and he filled many important positions with honor and credit. During this period of his life he declined many places of importance that were tendered to him, preferring his life of travel and adventure. He became Surgeon in the Revenue Cutter Service, and served from 1877 to 1883. In 1887 he was Executive Officer to the Red Cross Hospital, and later sent to Paris as a medical juror. Indeed, in a brief notice like the present, it is quite out of the question to enumerate all the positions of distinction Dr. Rosse has filled at various times in this country and Europe. He was a member of many learned societies, on both Continents, and the author of a long list of books, memoirs and

articles devoted to a very varied list of subjects, each and every one of which he handled with power and ability. As a man he was distinguished in appearance, an athlete far beyond the average; courteous and gentle in manner refined in all his dealings with his fellow-men, and I feel I voice the sentiment of the Society when I say that the loss to it of Dr. Rosse, cannot easily be over-estimated.

R. W. SHUFELDT, M. D.,
Chairman of the Committee.

THE MEDICO-LEGAL SOCIETY.

JANUARY MEETING, 1903, FOR INSTALLATION OF OFFICERS AND ANNUAL BANQUET.

The January meeting of the Society was held under very unusual auspices and was a brilliant affair.

The Medico-Legal Society tendered a Complimentary Dinner and Reception to the retiring Justices of the Supreme Court of the City of New York:

HON. ALFRED STECKLER, HON. ERNEST HALL,
HON. WM. A. KEENER,

as a public recognition of the value of their services as Judges of the Supreme Court, to mark their retirement from the Bench; to be given in their honor, on the occasion of its Annual Meeting for the Installation of Officers for the ensuing year, on the 21st of January, 1903, at the Hotel Brunswick, 5th Avenue and 26th Street, at 7 o'clock P. M.

The Reception was given the Guests of Honor at 6:30 P. M., before the Dinner was served.

The Installation Ceremonies as announced, also took place, and Addresses were made by the Officers Elect and distinguished guests who had consented to be present.

Members unable to attend the Dinner were invited to assemble at 8:45 P. M., so as not to interfere with the programme of the evening. The following committees were announced:

COMMITTEE OF ARRANGEMENTS.

Dr. H. W. Mitchell, Ex-President of the Society, Chairman.

Judge Wm. H. Francis.	Dr. G. Bettini di Moise.
Michael J. Langan, Esq.	Frank Harvey Field, Esq.
J. Mount Bleyer, M. D.	Percy R. Chittenden, Esq.
J. R. Abarbanell, Esq.	Sam'l Bell Thomas, Esq., Sec'y and Treas. of the Committee.

COMMITTEE ON RECEPTION.

Hon. Jacob F. Miller, Ex-President of the Society, Chairman.

Hon. Abraham H. Daily, Esq., Ex-President of the Society.	Benno Loewey, Esq.
	Charles Strauss, Esq.
Albert Bach, Esq., Ex-President.	Hon. Frank Moss.
Judge Michael H. Hirschberg.	Hon. J. Murray Mitchell.
Judge Lewis J. Conlan.	Judge James E. Tighe.
Judge A. J. Dittenhoefer.	Henry Wollman, Esq.
Dr. M. Markiewicz.	Dr. I. N. Love.

LADIES' ASSOCIATE COMMITTEE.

Mrs. Caroline J. Taylor, Chairman.

Mrs. Esther Herman.	The Countess Bettini di Moise.
Mrs. Jacob F. Miller.	Rev. Antoinette Brown Blackwell.
Mrs. Abraham H. Dailey.	Rev. Phebe A. Hanaford.
Mrs. Clark Bell.	Mrs. Mary E. Lease.

There was a large and brilliant gathering, and the large hall of the Hotel Brunswick was well filled.

The President-Elect, Mr. Clark Bell, presided. The guest table of the President was arranged for thirteen guests, at which sat Judge Keener, one of the three guests of honor. The President of the Board of Aldermen, Hon. C. V. Fornes, representing the City of New York and Acting-Mayor of the City, in the absence of the Mayor; Dr. A. H. Smith, President of the New York Academy of Medicine; Dr. Robert T. Morris, President of the Alumni Association of Bellevue; ex-President H. W. Mitchell, Chairman of the Committee of Arrangements; George H. Decker, Esq., of Middletown, of the Bar of Orange County, and others; and ladies were seated between the guests at the President's table. The whole occasion was one of great interest and presented a beautiful scene.

The tables were arranged to hold ten guests each.

Ex-President Hon. Abraham H. Dailey, presided at one of these tables, with Judge Alfred Steckler on his right, as one of the guests of honor, at which sat also, besides ladies, Hon. John W. Keller, representing the Department of Charities and Corrections, and General Francis H. Byrne, representing the Army. Ex-Judge Daily represented the Bar and spoke to that toast.

Dr. Isaac N. Love, also at that table, spoke for the medical profession when the regular toasts were reached.

Hon. Jacob F. Miller presided at the third table, with Judge Ernest Hall on his right, with a brilliant company of ladies and guests, among whom was Judge M. H. Hirschberg's guests; Chas. A. Strauss' guests: Moritz Ellinger and son; Dr. Antoinette Perry, and other guests.

Samuel Bell Thomas, who was assigned to preside at Table No. 3, was kept away by a severe illness, and his place was filled by Dr. Hoyt.

Dr. J. Mount Bleyer presided at Table No. 4, assisted by J. R. Abarbanell, Esq., of the Executive Committee.

Dr. G. Bettini di Moise presided at Table No. 5, with a very brilliant party of ladies and gentlemen, and Michael J. Langan, Esq., the newly elected Chief Ruler of the 13 Club at Table No. 6, in place of Dr. T. D. Crothers, Vice-President, who was unable to be present.

The Dinner was excellent, and the management and cuisine of the Hotel was highly praised.

Before the Dinner the Reception to the retiring Judges was held in a large parlor in charge of Hon. Jacob F. Miller, Chairman of the Committee on Reception, and of Mrs. Caroline J. Taylor, Chairman of the Ladies' Auxilliary Committee.

After the removal of the cloth, the Society was called to order and ex-President H. W. Mitchell made an address in the opening ceremonies of installation of the officers-elect of 1903, introducing the President-elect, Clark Bell, Esq., who was duly installed.

Mr. Bell pronounced his inaugural address, and after a few sentences, obtained leave to have it printed in the transactions, to give way to the order of exercises, complimentary to the retiring Judges.

The remaining officers elected at annual meeting were duly installed.

The minutes of the December meeting were approved as printed in the Journal from advance sheets.

The Chair was authorized and directed to name a committee on the recommendations of the President's address, and named ex-President H. W. Mitchell, Dr. J. Mount Bleyer and Samuel Bell Thomas, Esq.

The recommendation of the Executive Committee were then read as follows and were unanimously approved.

The following persons were duly elected to membership on the recommendation of the Executive Committee:

Proposed by Clark Bell, Esq.:

Dr. W. H. Maynard, of New York.

Jonathan Tryon Edwards, Esq., New York city.

George H. Decker, Esq., Middletown, New York.

CORRESPONDING.

Hon W. W. Goodrich, Presiding Justice Supreme Court, Appellate Division, Second Department, Brooklyn, New York.

Hon. John Woodward, Appellate Division, Second Department, Fredonia, New York.

Hon. Albert F. Jenks, Appellate Division, Second Department. Brooklyn, New York.

Dr. J. B. Torris, Port-au-Prince, Hayti.

Dr. Wm. Levit, Paris, France.

Hon. Chas. E. Parker, Presiding Justice Appellate Division, Binghampton, New York.

Judge S. Alonzo Kellogg, Associate Justice, 3rd. Appellate Div.

Judge Emory A. Chase, Associate Justice 3rd. Appellate Div.

Judge Walter Lloyd Smith. Associate Justice, 3rd Appellate Div.

Hon. Wm. H. Adams, Presiding Justice, Appellate Division, 4th Department, Canandagua, New York.

Hon. Parden C. Williams, Associate Justice, Appellate Division, 4th Department, Watertown, New York.

Hon. Alfred Spring Associate Justice, Appellate Division, 4th Department,

Hon. P. M. McLennan, Associate Justice, Appellate Division, 4th Department, Syracuse, New York.

Hon. Frank H. Hiskock, Associate Justice, Appellate Division, 4th Department, Syracuse, New York.

Hon. Alfred Chester, Associate Justice, Appellate Division 3rd Department, Albany, New York.

Rev. J. Minot Savage, New York City.

Dr. Wendel Rebor, 2112 Spruce Street, Philadelphia, Pa., President of the Philadelphia Medico-Legal Society.

The President of the International Medical Congress of Spain, Madrid, Dr. Julian Calleja y Sanchez.

The Chairman of the Section on State Medicine and Medical Jurisprudence, Dr. Adriano Martinez Madrid, Spain.

Judge Ernest Hall, of New York.

Judge Wm. A. Keener. of New York.

The report of the Chairman of the Committee of the Psychological Section was received and ordered to be placed on file, and the officers of the Section as recommended for the ensuing year were duly elected.

The report of the Chairman of the Committee of the Section on Medico-Legal Surgery was received and ordered to be placed on file, and the officers of the Section, as recommended for the ensuing year, were duly elected.

Resolved, That on the recommendation of the Executive Committee, at the suggestion of the President, a Section on Chemistry, Bacteriology, Morphology, Microscopsy and Physiology on the same basis as the other Sections, be, and the same is hereby established, and that the President be requested to submit a list of officers for the organization of the Section at the February meeting.

Resolved, That the Treasurers of the Society and the Psychological Section, have until the February meeting to file a report for the year, 1902.

The Chair asked for additional time to name the Committee on the Repeal of the Lunacy Legislation ordered at prior meeting, which was granted.

The annual reports of the officers of the Section on Medico-Legal Surgery and of the Psychological Section were ordered printed in the transactions and in the Journal, with the inaugural address.

The Chair announced the progress of the work of the Bulletin of the American Congress on Tuberculosis, and stated that the organization of the Governing Council of that body had not yet been completed, nor its Standing Committees, beyond the announcements contained in the December number of the Journal, by reason of the resignations of Dr. W. S. Magill, of New York; Dr. H. M. Bracken, of Minnesota; Surgeon W. C. Braisted, of the U. S. Navy; ex-Senator H. D. Winton, of New Jersey, and the non-acceptance of Professor Wilson, of Kentucky, but reported that these vacancies would, he hoped, shortly be filled, and the working organization of that Congress completed.

The Chair then asked leave to devote the evening to the retiring Judges, and introduced as the senior guest of honor first, in period and length of service, Judge Alfred Steckler, who had been appointed by Governor Odell to fill the vacancy occasioned by the death of Judge David McAdam. Mr. Bell said:

"Ladies, Gentlemen and Fellows of the Medico-Legal Society.—It is an occasion of great public interest when the Medico-Legal Society, with its honorable past, and its traditions full of rich incidents in the history of the legal and medical professions, should signalize the retirement of these eminent gentlemen at the expiration of their terms of office, by a complimentary reception and dinner, such as the Society is proud to have given on this occasion, and to invite to meet them, the representative men of the medical profession, and the public officials of our great metropolitan city, to grace the occasion by their presence.

"The Governor of the State on the occasion of the death of Judge David McAdam, of the Supreme Bench, one of the oldest members of this Society, and a charter member, had appointed to fill that vacancy a member of this Society, who, although not a member of the political party to which the Governor belonged, had already attracted the attention of the Bar and the public by his professional attainments,—Mr. Justice Alfred Steckler.

"This appointment was one which reflected credit on Governor Odell, and which gave great satisfaction to the Bar and to the public.

"The judicial career of Judge Alfred Steckler has been signally successful. He was long enough on the Bench to illustrate to the Bar, his peculiar fitness and excellent qualities for that position.

"I know of no man at our Bar who has so favorably impressed the profession and the public, with his judicial fairness and ability in so short a period of service.

"I introduce him first because he has had the longest term of service of our honored guests of the evening."

Judge Steckler responded:

"Mr. President and Members of the Medico-Legal Society:—You have been pleased to invite Justices Hall, Keener and myself on our retirement from the Supreme Court Bench, to a place of honor at your festive board.

"I am grateful for your good opinion, and happy to meet you in the bonds of good-fellowship and to enjoy your society in that old-fashioned free and easy style, which is of the heart-hearty.

"I thank you for your kind wishes.

"I have endeavored, while a Justice of the Supreme Court, to perform my duties conscientiously and fearlessly.

"The conscientious performance of the labors connected with a responsible office does not entitle the individual who has filled it,

to any especial compliment, inasmuch as he has simply done his duty. Yet, it is a great satisfaction to me, as it must be to my former associates, present this evening, to receive your expression of cordial friendship and good will."

Mr. Bell then introduced Judge Ernest Hall as follows:

"Ladies and Gentlemen.—The sad and untimely death of Judge Miles Beach, of the Supreme Bench, created a vacancy which fell to the lot of Governor Odell to fill.

"The gentleman whom he selected for that position, was one who had won his judicial spurs on the Bench of the City Court of this city, by a valuable and ripe period of service.

"He was conceded by the Bar to be entitled to the distinction, if a Republican was to be selected, and that political organization, with great unanimity, presented his name to the Governor, who promptly responded to the general preference of the Bar of the city.

"Judge Ernest Hall entered upon the duties of the office richly endowed, both by learning and experience, for their discharge, with high ideals and fully equipped.

"The period of service was brief, as his appointment, like those of our other guests, was to fill the vacancy for the remainder of the year 1902.

"If faithful, conscientious devotion to the duties of a Judge of our highest Court, on the highest plane of unswerving and fearless conduct, as a just and fearless Judge, is to be the criterion, no one on our Bench could excell our guest of to-night; and I know I voice the sentiment of this body, that his retirement from the Supreme Bench is an event greatly to be regretted in the interest of the public service.

"I take great pleasure in introducing ex-Judge Ernest Hall, late of the Supreme Court of this city."

Mr. Justice Ernest Hall said in response:

That he should ever hold in high regard the action of the Medico-Legal Society in extending to his associates and himself, the high compliment, which was at the bottom of the reception and complimentary dinner, which had been one of the most enjoyable events of his life.

He should certainly carry with him to the day of his death, this extraordinary courtesy, and the kind manner in which his name and judicial labors had been mentioned by your too kind and partial Chairman Mr. Bell.

He regarded the action of the Society, in giving such a dinner to the retiring Judges, as unusual. It would have been more usual to have dined those gentlemen who had succeeded them on the Bench, but the compliment was all the higher on that account.

He alluded to the arduous labors that fell to the Judges of the Supreme Court in this district, and felt sure that few, even of the Bar, comprehended the enormous work and responsibility that fell upon a Judge here in the discharge of his duties. The large and increasing population of this city had abnormally increased the volume of the litigation. Greater New York now contained nearly half the population of the entire State, and it embraced not quite two of the eight judicial districts.

The work of a Judge, especially in Part 2 of the Special Term, which disposed of the contested motions of an interloctutary character, in all pending actions, was something enormous, and with calendars each day, frequently running from 70 to 100 cases, came daily before that Judge.

He spoke in the highest terms of the personality of the Judges of the Supreme Court in the First District; of their conscientious and faithful discharge of duty, and of the high standard and the public confidence they had deserved and well won.

He complimented the Medico-Legal Society for the sterling and great good it had accomplished in the past, and mentioned as a proper field for its useful labors, the questions connected with medical expert testimony, which needed more careful and considerate settlement to entitle it to have the confidence of the Bench, the Bar or the public.

He closed by renewing his thanks for the great honor shown himself and associates, and said he should go back to the Bar with a very high sense of the honor conferred by the Medico-Legal Society, by the public demonstration in honor of his associates and himself on this occasion.

Mr. Bell then introduced Judge W. A. Keener as follows:

The much to be regretted death of Mr. Justice Andrews created still another vacancy in our New York Supreme Bench, and which, while it gave only a short period of service, the selection of Governor Odell for the appointment fell upon one of our guests of the evening, who had won his place in the profession of the law, more as a teacher and expounder of law as a science, than in the practice.

A graduate of Harvard, he afterward held high rank at the head of the Law Department of that university, where he attained such prominence, that he was called to the Law School of Columbia, and was chosen Dean of the Faculty of that University.

He stood, deservedly, high, for his scholastic attainments and for his profound study and knowledge of the science of the law.

He had but a brief period of service in the judicial chair, and I consider it a piece of rare good fortune, and especially for the Bar of the city, into which he has now entered under the most brilliant auspices that his destiny in the near future it to be of the Bar, rather than of the Bench.

With his energies now aroused, with the practical experience that the Bar will give him in its active practice, with his experience in judicial training, I foresee an auspicious and an enviable career now opening before Judge Wm. A. Keener, as he enters the Bar of our city, with the distinction, which this office has given him, and it requires no prophet, nor the son of one, to say that a brilliant prospect is before him.

Judge Keener responded in his happiest vein. He should not forget the kind manner in which his name had been mentioned by the Chairman, nor the warmth of the greeting by the Society. He confessed to have been surprised at the compliment tendered his associates and himself, as they were retiring from a service which had been too brief to enable them to become acquainted with its duties; while it had been short it had been most agreeable and delightful. He had made the acquaintance of every Judge on the Bench of the Supreme Court of the City, and no finer body of men could be found, none more zealous in the discharge of their duties.

The position of a Judge of the Supreme Court in New York was one not only of great responsibility but of arduous, constant and unremitting labor.

He should return to the Bar with higher aspirations than ever. He returned his best thanks to the Society for the honor conferred and paid a high tribute to the Society for the great services it had rendered for the public good.

He referred to criticisms that had been made on the action of Governor Odell, and the very large majority thrown against him in Greater New York at the last election, and its influence on the election of Judges.

He took the occasion to warmly defend the Governor's character and motives.

That his course had, in his judgment, been the result of his honest convictions as to what was best for the public good. That if errors crept in, which he did not admit, they were of the head rather than of the heart. That Governor Odell had acted from high motives and firm convictions of duty, and that those who held the Governor responsible, must not overlook or under-estimate the changed condition of political affairs in the city, nor the changes in political sentiment in the city, for which the Governor was not responsible.

Judge Keener closed by wishing the Society a continuance of the prosperity that had attended its great and useful work, and said that he should recall this occasion as one of the most agreeable events of his life.

Mr. Bell then toasted the New York Academy of Medicine, and in introducing the President, Dr. Andrew H. Smith, said:

The Medico-Legal Society feels a pride in having the Academy of Med cine of the city,represented at its Annual Dinner and especially on this occasion, when it is tendering a complimentary dinner to the retiring Judges of the Supreme Court.

It gives us also a peculiar pleasure to congratulate one of the earlier members of the Medico Legal Society and the New York Academy of Medicine, that it has chosen Dr. Andrew H. Smith to its Presidency, one of the foremost medical men of the city.

Dr. Andrew H. Smith said:

That he returned the thanks of the New York Academy of Medicine, which he was proud to represent, for the kind manner in which that body had been mentioned, and especially for the very flattering reference to himself, that the President of the Medico-Legal Society had made use of in introducing him. The New York Academy had watched with deep interest the work of the Medico-Legal Society through many years in the past history of the City.

That the account given by Dr. H. W. Mitchell in introducing the President-elect for installation, and of the part taken by that body in the recent session of the American Congress on Tuberculosis last June, and the conspicuous part borne by the President-elect in those labors, had greatly interested him, and that the movement had the full sympathy of the medical men of the City.

That prominent members of the New York Academy of Medicine have united in a Committee of the Charities Aid Association for the prevention of Tuberculosis. That in respect to the action of the Government of the United States in restraining the immigration of consumptives, the New York Academy of Medicine has recently adopted a resolution in opposition to that action by our Government, which it deemed inhumane and unwise.

Dr. Smith referred to the recent visit of Dr. Lorenz to our city, and deprecated the extravagant demonstrations which were as unsought by Dr. Lorenz as they were in violation of good taste.

He said that it gave him great pleasure to be present at this occasion and to witness the tokens of respect paid to the retiring Judges, and that their presence lent a new charm to him at such functions. He was particularly pleased to see so many ladies at the table and added to the pleasure of the evening.

Mr. Bell then toasted the Bar, and introduced Judge Abraham H. Dailey, who responded at length.

The Chairman then toasted Bellevue Hospital and its alumni, and called Dr. Robert T. Morris to respond, who spoke in his happiest vein.

Dr. Isaac N. Love spoke for the Medical Profession, and well merits his renown as an after-dinner speaker.

The lateness of the hour prevented the full list of standing toasts to be drank.

The State Medical Society, by Dr. John L. Moffatt, of Brooklyn.

The Medical Expert, as viewed by Shakespeare, by Prof. John Phin.

The American Congress on Tuberculosis, by Moritz Ellinger, Esq.

Light and Electricity in Medical Science, and Recent Researches, by J. Mount Bleyer, M. D.

The Army, by General Byrne.

The Charities and Corrections of our City, by John W. Keller.

Letters of regret were read from Secretary of State John Hay, Senator T. C. Platt, Prof. Wm. B. Harper, of Chicago University; Paul Dana, of the "Sun," and a very large number of Presidents of societies and bodies and eminent guests, who had been invited to be present. The Society adjourned at a late hour.

CLARK BELL, President.

A. A. JAKOBI, Ass't Secretary.

EDITORIAL.

LEGAL AND MEDICAL INSANITY.

The recent trial of Young for murder has had a remarkable result, and the affair has created considerable criticism as to the action of the Judge presiding at the trial, Hon. D. Cady Herrick, of Albany, who had been assigned to preside at our criminal Court.

The defense had been indicated as insanity, and prominent alienists retained in his behalf, and engaged by the State.

Young was suspected of shamming insanity at the beginning of the trial, and prominent experts, designated by the Court, so declared who examined him, as we understand, selected from both sides by the trial judge.

The facts and incidents of the homocide was shown by the prosecution, leaving no room for doubt of the killing by Young, but the medical experts, as well those for the prosecution, as the defense reported to the Judge, as he is reported as stating from the Bench, that while Young was medically insane, it was doubtful if he was legally insane, as he was, in their opinion, able to discriminate as well the nature and character of the act, as well as between right from wrong as to the act itself.

This was so novel a proposition to Judge Herrick that he called counsel on both sides before him, and the situation was discussed with the result that a plea of guilty of murder in the second degree was accepted by the District Attorney and the court, and assented to by the counsel for the accused, and the trial terminated abruptly in this singular manner.

We think the judge acted wisely and well.

The "right and wrong theory" as a test of insanity no longer exists in the opinion of the higher class of competent alienists.

A man may know the nature and character of an act and be able abstractly to discriminate between right and wrong

and know full well the character and penalty of the crime, and yet be so clearly insane as to be legally irresponsible.

The ability to know the difference between right and wrong and that the act was wrong, and that its punishment was death, is not a safe or at all a wise test as to the insanity of an accused person.

There is not an insane asylum in the land in which at least from sixty to seventy per cent. of its inmates are not able to tell right from wrong, and that do not well know the nature and character of the act in homocidal cases and its punishment.

Yet, who would think of convicting an inmate for the killing of a superintendent or an attendant? All have been committed as insane.

The safer test, considered both legally and medically, is this: Was the accused the victim of an insane delusion respecting the act itself, which dominated and controlled his action and was his mind so deranged as not to be able to discriminate between the right and the wrong as to the act in question?

Had the accused sufficient power of will to resist the impulse to kill, or did his insane delusion dominate and control his action? In the States of New Hampshire, of Alabama and some other States, their highest courts have discarded what has been called the "right and wrong test" as unreliable and of no value.

In New York while the judicial trend has been towards what has been known as the New Hampshire doctrine on this subject in the trials of homicidal cases, the court of last resort has not gone to the length of endorsing the doctrine of Judge Doe in New Hampshire, or of Judge H. M. Somerville, in Alabama, but these cases, with the masterly opinions written by these two judges, stand luminously brilliant as the true doctrine that should govern this class of cases.

Section 23 of the Penal Code of New York, is as follows:

"A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to the prosecution thereof."

This need not and does not cloud, embarras or touch the question.

Morbid impulses do not necessarily, nor do they even rarely constitute insanity.

Moral degeneration, vice and morbid impulses which have not been restricted, or which may seem to be irresistible, never excuse crime.

The true boundary line between vice and crime of these second nature criminals who follow what may seem to be an irresistible impulse to steal, rob and commit crimes of violence, especially is clearly defined by the light of science and careful judicial decisions, from him, who dominated by an insane delusion of which he is, or even may be unconscious, but which controls his conduct and dominates his will, commits an act like the killing of a human being. The one is a crime, the other lacks all its essential elements.

Chief Justice Gibson, in Commonwealth v. Moser, 4 Barr., 366, states correctly what is and should be the true test:

"It (insanity) must amount to a delusion or hallucination controlling his will and making the commission of the act a duty of overruling necessity."

The same learned Judge says:

"The law is that whether insanity be general, or partial, it must be so great as to have controlled the will of the subject, and taken from him the freedom of moral action."

Mr. Chief Justice Lewis, pronouncing the opinion of the Supreme Court of Pennsylvania in such a case, says:

"We say to you as the result of our reflections on this branch of the subject, that if the prisoner was actuated by an irresistible inclination to kill, and was utterly unable to control his will or subjugate his intellect, and was not actuated by anger, jealousy or revenge and kindred evil passions, he is entitled to an acquittal."

Judge Somerville in Parsons v. State, in a masterly opinion in which every phase of the doctrine is carefully considered by the Supreme Court of Alabama, says respecting the right and wrong test in such a case:

"If the accused did have such knowledge, he may nevertheless not be legally responsible if the following conditions occur:—

1. If by reason of the duress of such mental disease he had so far lost the power to choose between the right and the wrong and to avoid doing the act in question, as that his free agency was at the time destroyed.

2. And if at the time the alleged crime was so connected with such mental disease, in the relation of cause and effect as to have been the product of it solely."

Judge John F. Dillon held in State v. Felton, 35, Iowa, 67:

"That the capacity to distinguish between right and wrong was not a safe test of criminal responsibility in all cases. That

if a person commit a homicide, knowing it to be wrong, but do so under the influence of an uncontrollable and irresistible impulse, arising not from natural passion, but from an insane condition of the mind, he is not criminally responsible."

In People v. Daly, 8th District Court in Washington, D. C., Judge Montgomery holds a similar opinion. A careful review of the law upon this subject may be found in Vol. 2, of Bell's Medico-Legal Studies, p. 14, Ib. p. 31, and cases there cited.

Judge Herrick is a learned judge and is well versed in the law, and he saw that in the light of the opinion of the experts, medical men who were agreed that he was insane, who conceded that he could discriminate between right and wrong, and knew that murder as a crime was punishable with death; and he thought that it would be better for the prosecution to avoid the risk of his acquittal on the charge of murder in the first degree.

The Philadelphia Medical Journal assails Judge Herrick and says:

"Last week Judge Herrick, of New York, in the trial of Brigham Young's grandson, pronounced the self-confessed criminal to be 'medically insane.' As he was not 'legally insane' he could not be acquitted; but as he was 'medically insane,' he ought not to be electrocuted; and so the matter was compromised and Young was sent to prison."

The newspaper criticisms have misled the Philadelphia editor.

Judge Herrick is reported to have stated from the Bench that the medical experts who had examined the man, reported to him that he was an insane man from the medical standpoint.

That, medically considered, he was insane, although he well knew the nature and character of his crime and its punishment, and was able to discriminate between "right and wrong."

The New York Sun, in commenting on the case editorially, said:

"In his remarks to the Young jury Justice Herrick, after explaining the result of the investigation of the medical experts, went on: "By medically insane they say they mean that a man may be well able to determine between what is right and what is wrong, yet not be physically able to restrain himself from doing wrong. While it is true that Young has delusions, still he knows what is wrong and what is right. Now, there is a very narrow line of demarcation

between these two kinds of insanity, and it is hard to tell where one merges and is lost in the other. Young's insanity is of the progressive kind. It grows worse and worse, until he is finally gone completely. Under these circumstances I think the cause of justice can better be served by sending this man to prison for life, rather than that there should be any question as to whether we put to death a man that was irresponsible in any way for his deed."

Young's shamming in the course of the trial was quite compatible with the existence of medical insanity. He was legally sane and therefore had a sense of his crime when he committed it. He was also aware of his peril when he was placed at the bar. He showed a sense of relief when his plea was accepted and he found that he was saved from the electric chair.

No one knows better than Judge Herrick that there is no such distinction known to the law as "insane medically," but not "insane legally."

Reporters for the daily press must not be deprived of their privileges in reporting such cases. The case of Young presents remarkable phases. It lacks the elements usual in murder cases.

He is now under observation and his counsel can move for a commitment to an asylum if he develops dangerous phases or if it would be for the public good.

The opinions of the medical experts, as made by them to Judge Herrick, are not furnished the public. Among these, we understand, were A. E. McDonald, M. D., Supt. of the Insane Hospitals of Greater New York; Charles L. Dana, Allan McLane Hamilton, M. D.; some acting for the prosecution, and some acting for the defense. They gave their opinions to the Court and Judge Herrick foresaw a doubt of a conviction on the charge in the face of such evidence, as doubtless did the District Attorney. The Philadelphia Editor would have hardly justified Judge Herrick had he ordered Young discharged. Society is protected and the laws of New York provide for an inquiry as to his sanity at any time by a competent tribunal.

It is very difficult to believe that Young was sane and that this homicide was murder in the first degree. If Young, under observation, satisfies the authorities that he is insane, he can, by legal procedure, be transferred to the State Hospital for the criminally insane. Meanwhile, society is fully protected, and that without executing the homicide, as was done in the past in Pennsylvania with Beach and Taylor, and in Washington with Guiteau.

Dr. Alison has clearly demonstrated and expounded the fact that a large number of insane persons have been convicted of crime and are now in our prisons.

It has come to be one way of protecting society against insane men who have had outbursts.

In England these are sent to Broadmoor.

Gouldstone and Cole, both insane, were able to discriminate between right and wrong, and well knew the nature, character and consequences of murder.

Both were insane and so pronounced by competent English alienists. Both were convicted by juries, under charges, by English Judges who made the "right and wrong" theory the test, and so charged the juries.

The writer saw Gouldstone at Broadmoor. He had killed his children. I asked him why he endeavored to kill Dr. Wm. Orange, then superintendent of Broadmoor, who had never harmed him, and who was his best friend. He replied: "I was illegally imprisoned here and I could get no hearing or redress, and I knew that if I could kill Dr. Orange that would compel an inquiry, and I could thus gain a hearing, which I was determined to have."

He said he had nothing against Dr. Orange. The case of Young is important in that it draws the public attention to the absurdity of the "right and wrong" theory as a test in insanity cases, and to the still graver injustice and danger of sentencing insane men to prison as criminals.

A prison is not the best place in the world for an insane man. Insanity, both by English law and our own law, is an absolute and perfect defense to a criminal charge.

Why should an insane man, like Young, be sentenced to prison for life as a criminal?

Should not the present condition, which permits such results, be so modified as to prevent it, and insane homicides be properly cared for in our State Hospitals for the care of insane criminals?

NOTE.—Judge Herrick has sent to this Journal the stenographer's notes of what he did say—and some comments he has been kind enough to make on the general subject at our request—too late for this number. They will appear later.—EDITOR.

THOMAS B. REED.

The passing of this greatest master spirit and mind of the Republican party in the Nation, gives us leave to speak of one of the noblest, most advanced and ablest American who has lived in our era.

He was, perhaps, all in all, the best man in the Republican party for the Presidency of the United States, if the time ever comes in a Republic when the best men could be selected as candidate of a political party.

His great ability, his unquestionable honesty, his peerless integrity, his courage, his power of leadership, his stupendous faculty of right thinking, of reaching the fundamental issues of a question, left him without a peer among American statesmen, if considered from all sides.

He had the courage of his convictions, and would not, as he did not, hesitate ever in his life between his consciousness of right and its consequences, especially in political affairs.

As the Speaker of the lower House of Conress, he was without exception, the strongest man who ever occupied that seat.

He carried his power to the utmost limit in his rulings, but in all cases it had to be backed by his conscience and his sense of right.

He had an instinctive hatred of an obstructionist who sought to obstruct for obstruction' sake.

In the cases where his rulings were most criticised, he was acting for what he believed to be the right, and it is doubtful if he ever made a ruling that could have been charged as being contrary to parliamentary law as he understood it.

His mastery of such occasions is well illustrated by his repartee, when he had counted a quorum in the 51st Congress, where the obstructionists had refused to answer to their names on the roll call, and when a scene of almost mob violence ensued. Mr. Creary, of Kentucky, shouted with intense excitement:

"I deny your right to count me as present!"

Read instantly replied:

"The Chair is merely making a statement of fact, that the gentleman is present. Does he deny it?"

If he had a rival as Speaker of the House, it was in our time, James G. Blaine, one of the most graceful and successful of men in that place.

But they had hardly any traits or characteristics in common.

Blaine's power lay in a fascinating manner and a personal magnetism excelled by no man I have ever met in public life.

Reed was especially brilliant in repartee, and as an epigrammatic speaker he had few equals.

His recent article in the North American, just published, best illustrates the masterful scope of his powers and the force of his intellect.

Where has there ever been a more calm, unanswerable reply made to the clamor we hear on all sides against watering stocks, than Mr. Reed's argument in the North American Review upon that subject.

Mr. Reed was a humorist of the highest type. He was not unlike President Lincoln in this regard.

His sarcasms were marvellous. Disliking Harrison's policy and administration, he said in explanation: "So far as I know, I have but two enemies in the State of Maine. One of them the President appointed Collector at Portland; the other he pardoned out of the penitentiary." This characteristic of Mr. Reed has been regarded by some as a fault, but it must not be ignored by those who speak of him as he was.

That he was a disappointed man and that he retired to the Bar because of the fact that he could not endorse the acts and policy of his party on great questions, must be conceded, but it was the Republican party that was the loser, and the Bar of the City of New York that was the gainer.

His death was untimely. He had a great hold on the confidence and the affections of the American people. He deserved that confidence.

He was almost the only other man talked of when McKinley received the nomination for the Presidency, and Mr. Reed's mistake was in the selection of the men from Maine, to present his name, who as Mr. Reed's friends felt, abandoned the field to the enemy before the battle had begun.

In the event that President Roosevelt will have developed radical differences with the Republican leaders, so as to imperil his re-nomination when the time comes for it to be made, there was no man in the Nation to whom the country would have looked, on the Republican side, with more confidence and enthusiasm than Thomas B. Reed.

He was a great man in the highest sense, almost too great in our history to have gained the Presidency. Fate has been against genius and greatness in our Republic, and accident and circumstance has in the past, as it seems likely to be in the future, since Lincoln, we have never chosen our greatest men for the first place.

WIFE BEATERS AND THEIR PUNISHMENT.

The case of Hearns, sentenced by Mr. Justice Pool, in the 54th Street Criminal Court, in a very aggravated case of wife-beating while drunk to three months on the Island, serves as an object lesson to illustrate the inadequacy and total failure of our criminal system as at present administered under existing laws.

The well merited denouncement of his crime by the Judge from the Bench, fell on deaf ears, so far as the wife beater was concerned. His poor wife was not benefited nor her pains ameliorated. Long before the sentence expires want and destitution will compel her to beg the same Justice to remit the sentence, to have the brute earn money to keep his family from starving, and get money for another drunken debauch to be followed by another example and repetition of his crime.

The present punishment in such cases is wholly inadequate. It has not even a deterrent effect in the slightest degree.

The poor and innocent victims of this outrageous crime are the most pitiful objects of our compassionate regard that the catalogue of crime presents.

They are not only defenceless, but they cannot escape its recurrence, as the law stands.

The only sure and certain deterrent for the wife beater is the lash.

The example of Delaware commends itself to our thoughtful consideration.

Wife beating does not exist in the State of Delaware among the whole population.

Governor Biggs, one of the most esteemed of her Governors, told the writer that he had never in his long life knew of a single instance of where a white man, in the State of Delaware, ever came to the whipping post the second time.

Our magistrates should have power, by legal enactment, to punish by the "cat" the wife-beater who comes before the Court in these cases.

It should be made obligatory on the court to order them flogged on conviction for the second offense.

It is a public necessity. Fines and imprisonment do not meet the case. The present punishment does not fit the crime.

Wife-beating is a crime of brute force where the strong beat the weak with blows.

In the name of the thousands of bruised and maimed and heart-broken wives of our city, wholly defenseless, and without either protection, remedy or redress, we demand that the Legislature consider their case and enact a law that will meet force by force, blows by blows.

There is no adequate remedy for this great evil but the lash, and we ask that the wife-beater be punished by whipping at least for the second offense.

Give it a trial, in the name of humanity, and in compassion for suffering, bleeding and bruised women, nearly all of whom are mothers, and of their defenceless children, who now suffer with the mother, the stings of poverty and want, while the father is serving his sentence and the family deprived of his earnings.

PROGRESS OF MEDICO-LEGAL SURGERY.

Invitations were sent to some of our prominent railway surgeons to give their views as to the most notable advance made in this department.

Surgeon-General Senn, of Illinois, replied that he was going abroad. We were disappointed at not hearing from Dr.

W. W. Godding and Dr. C. K. Cole in time for our March number. We submit the reply of Surgeon-General R. Harvey Reed, of Wyoming, one of the early officials in the National Association of Railway Surgeons, and the founder of the American Academy of Railway Surgeons:

January 19th, 1903.

Honorable Clark Bell, 39 Broadway, New York.

My Dear Colleague:—Your esteemed favor of December 30th, 1902, inviting me to present a short contribution to the Medico-Legal Society at its Annual Dinner on January 21st, 1903, has been duly received, and in reply as to what I regard as the most notable progress in the department of Medical Jurisprudence, will say that in my opinion, it has been made in the railway service.

When a few progressive surgeons were struggling with this problem as early as 1878, it was found to be a question to which the management of our railroads gave little or no attention. Matters of Medical Jurisprudence as then presented to them, were looked upon as a species of philinthrophy and benevolence, which tney claimed had no place in the "pigeon holes" of the average railroad stockholder or their officials. The share holders did not at that time realize the fact that a penny saved by a railway corporation was just as good as one, and oft' times better than two pennies earned. At that time they looked upon the railway surgeons as a necessary evil, rather than a necessity and an important factor in the service of the company.

Twenty-five years ago there was less than half a dozen chief surgeons of railways in the United States, whilst many roads did not employ a surgeon of any kind, and if they did, they were employed and required to report to superintendents, general superintendents, managers and general managers, as the case might be, who knew as little of the duties of a surgeon as the surgeon did of the flues in a boiler. In brief, railway surgery was at that time in a chaotic condition, and Medical Jurisprudence was an unknown factor to an over-whelming majority of railway surgeons.

To-day there is scarcely a railroad in the United States, Canada or Mexico that is not equipped with a medical department, which either works in harmony with the claim department or directly with the legal department, in addition to their special surgical duties, in matters where these two departments must of necessity merge. Th medical departments of all the progressive railroads of the United States are under the management and control of chief surgeons, who are not only up-to-date in the latest methods of surgery, but are well versed in the problems of medical jurisprudence. In fact this does not stop with the chief surgeon, but extends to the division and assistant surgeons of the best organized railroads in the land, and to-day, the claim agents of all enterprising railroads look to the surgical department of their companies for valuable advice in the discharge of their duties.

The confusion which existed a quarter of a century ago, in matters of medical jurisprudence, has to a very large extent been turned into order, the dark places made light, and the crooked places straightened, and now when we stand on the pinnacle of twenty-five years of experience, we can see more clarly than ever, that millions of dollars have been lost by railway companies by reason of not having a surgical department, whose members should not only be well

versed in surgery and medical jurisprudence, but who should work in harmony with the legal and claim departments of their respective companies.

In closing it is to be hoped that the progress made in medico-legal matters during the last twenty-five years in the railway service may be continued during the coming decade with even greater activity than that of the last, by the combined labors of the present and future members of this Society and their allies.

Very respectfully yours,

R. HARVEY REED.

CRIME STATISTICS.

The Chicago Tribune, in its annual compilation, shows an increase of criminal homocides in 1902 of over 1000 in excess of those of the year 1901. Due to quarrels, 6,307; jealousy, 540; liquor, 230; committed by robbers, 238, and 955 to unknown causes. Total executions, 144, against 118 in 901. The increase in executions in the Southern States was seventeen, against seven in the Northern States.

Eighty-eight negroes were hanged in the South, of which 26 were in the State of Mississippi alone. Robberies seem to be also on the increase.

Dr. Arthur MacDonald's report shows indications of an increase of crime in the United States, and he favors a bill to provide for a laboratory and study of the criminal pauper and defective classes.

His statistics indicate that degeneracy is most marked in the North Atlantic States, where the best opportunities for education and general advancement exist.

The census shows a greater percentage of insanity in the Northern than in the Southern States; 2,385 per million of insane in the Northern States, against 1,322 in the South; deaths by suicide, 77.09 per cent. in the North, against 18 in the South. Deaths from nervous prostration, 2,181 in the North, to 1,168 in the South; juvenile criminals, 425 in the North to 126 in the South.

THE AMERICAN CONGRESS ON TUBERCULOSIS.

The following gentlemen have been elected members of the Governing Council of this body.

Of the nine members previously elected only four accepted, viz.: Hon. Moritz Ellinger, of New York; Dr. Chas. F. Ulrich, of West Virginia; Dr. Henry McHatton, of Georgia; Dr. M. M. Smith, of Austin, Texas, all Vice Presidents of the American Congress on Tuberculosis and identified with its labors in the past.

The vacancies of the five remaining members of the Council were filled by

Dr. T. Henry Davis, of Richmond, Indiana, ex-Secretary State Board of Health of Indiana.

Dr. H. W. Mitchell, of New York, ex-President Medico-Legal Society.

Dr. A. P. Grinnell, of Burlington, Vermont, Vice President of the American Congress on Tuberculosis at Large.

Dr. J. Mount Bleyer, Vice President of the American Congress on Tuberculosis at Large, of New York.

Samuel Bell Thomas, Esq., of New York, Secretary Medico-Legal Society.

Three of this five have accepted and one has asked leave to decline it on account of his pressing engagements, Dr. T. Henry Davis, of Indiana.

The Governing Council of nine members, with the President and First Vice President, the Secretary and the Treasurer ex-officio, form the governing body of the organization.

This body will shortly meet and organize and appoint the various standing committees of the Congress, but not in time for announcement in the current number of this Journal.

Until the organization of the Council, the Executive Committee, as constituted on June 4, 1902, was authorized to continue in the discharge of its duties until their successors were elected, accepted, qualified and entered upon the discharge of its duties.

The Secretary, Dr. George Brown, of Atlanta, Georgia, has created confusion by issuing unauthorized, circulars, both as Secretary and individually, without authority or any direction of the authorities of the Congress, and has gone so far

that he has been requested by the unanimous vote of the Executive Committee, six members out of seven, to resign his position, and Samuel Bell Thomas, Esq., has been appointed temporary Secretary, to act for the body, pending his action on the request for his resignation.

This is unfortunate, as Dr. Brown has talent for executive work, but it does not lie in the discharge of the duties of the office of Secretary of such a body, which requires a high order of talent and at least ordinary discretion.

He has been anxious to arrange for an International Congress on Tuberculosis on the occasion of the St. Louis Exposition in 1904, a very praiseworthy purpose, and which no doubt his colleagues would heartily favor at the proper time.

But he is impetuous, and is in haste, and has announced that he has incorporated such a movement, and he has without authority sent out announcements for it and invited the action of an auxilliary committee of excellent names, without the authority of the management.

Dr. Brown's plan is to confine the work of the organization he claims to have organized, to medical men only. To eliminate the legal profession, to confine the work to the medical questions connected with the treatment of tuberculosis.

The present Congress, however, has on its honorary list of Vice Presidents thirty-five from the United States, of which only three were medical men and thirty-two were Governors of States; and from the Dominion of Canada six honorary Vice Presidents, of which only one was a physician.

From the Provinces, the Lieutenant-Governors of six Provinces were Honorary Vice Presidents, and only one physician, and of the Vice Presidents from the American States, who had accepted the position in this body, in each State on the basis of one lawyer and two physicians, twenty-seven were lawyers and judges, and not medical men, outside of the foreign States of the Republics of South and Central America, where the same rule obtained.

This Congress was organized to consider the highest problems in forensic medicine, and preventive legislation against the spread of tuberculosis.

A purely medical movement to discuss its proper treatment might accomplish much good. The work of this Con-

gress demands the ablest men of the legal and medical professions, and statesmen and publicists.

No serious complications will be likely to result from the eccentricities of Dr. George Brown, who may mean well, but is indiscreet, and has developed great energy in demonstrating his unfitness for the Secretaryship of such an organization, as has been created by the labors of the past three years.

The members of the Congress who have been consulted, generally concur with the unanimous action of the Executive Committee in his case.

The Council, when it is organized, will place the Congress in line of its work, and organize the committees.

PERSONAL ANNOUNCEMENT.

The Chairman of the Executive Committee was elected Fifth Vice President against his wish. It is impossible for him to give his personal attention to the duties of any office in the American Congress on Tuberculosis that requires personal attention or labor, and he so advised the members of the Executive Committee and all of the officers.

The basis of organization provides that only one of the Vice Presidents has an ex officio seat in the Council, the First Vice President, Dr. James A. Egan.

This would leave no duty devolving on the Fifth Vice President at all onerous.

But the Second, Third and Fourth Vice Presidents may feel that they should be made ex officio members of the Council. Some of these are of this opinion and it is well known that the 5th Vice President intends to present his resignation before the Council, when it is organized, so that it can be filled by some other incumbent.

He cannot accept any labor in this great work, as he is situated at this time. The pressure of other duties prevent its possibility.

SECTION ON CHEMISTRY AND ITS ALLIED SCIENCES.

The Medico-Legal Society has charged its President with the duty of organizing a section of its members, and of those outside its membership, who wish to join it, on a basis like the other sections of the body, where a nominal annual sub-

scription of $1.50 entitles the Section member to the Medico-Legal Journal free, at half its cost,and where the physiologist, the bacteriologist and the microscopist can be united in studies closely allied to chemistry, and the morphlogical investigations now attracting such attention in the scientific world.

An effort will be made to interest the analysist and all students of these branches.

The price is placed at a nominal sum because of the large number of scientific societies, so that it can not be an expense, and must be only to combine the thinking working men who are pursuing these branches of study in the universities, the medical colleges and to reach all students of this branch.

The Editor of this Journal will be glad to have the names and addresses such as would be regarded as likely to take an interest in this branch of study, both in the Medico-Legal Society and outside of it, to aid in an organization that can be of public and scientific utility.

SERUM TEST FOR BLOOD.

The June number of this Journal will contain the paper by Dr Arthur Hitchens, presented at the February meeting of the Society, entitled "The Medico-Legal Value of Immune Serum," also papers on the "Serum Test for Blood," by Prof. E. S. Wood, of Boston, and "Notes of the Test Serum on Rabbits," by Prof. W. F. Whitney, of Boston, both contributed to the Massachusetts Medico-Legal Society, and appearing in its transactions.

These papers will, with the contribution by Prof. C. A. Doremus, serve as an introduction to the new chemical section of the Medico-Legal Society, and we hope to present further articles along the indicated lines of great interest to the students of microscopsy, bacteriology, histology, pathology, morphology and pathology as the sciences germane to these studies, and we hope to arouse an interest in these studies.

NORMAL ARSENIC.

A generation ago this question excited a general interest, and the contribution made by the nestor of American Chemistry, Professor R. Ogden Doremus, that was presented to the Medico-Legal Society, appearing elsewhere in our columns, will be read with interest, now that Professor Armand Gautier, of Paris, reports of its apparent auxilliary and even necessity to many vital processes of man.

M. Capitain, of Paris, contributes to Nature an article on this theme that has been noticed in "The Literary Digest," which will, we trust, arouse discussion among the chemists and scientists of this Society not alone, but of our country.

Prof. Gautier claims as the result of his physiological and clinical observations, that arsenic exists normally as a constitutional element of the tissues of all living beings, animal or vegetable!

As is said by M. Capitan with graphic force, "without arsenic no life is possible; this purveyor of death is one of the great supporters of life."

Gautier claims that his researches localize it in man and animals to the skin and its appendages; the thyroid and mammary glands, the brain and the bones.

In the other organs only slight traces are found. In mammals the organic arsenic is eliminated by the epidermis, the skin, the horns and hair.

He did not find it in wheat or the cereals, but he did in marine algae and in the living material of the sea, known as "Plankton," consisting of vegetable debris, lower animal life and microscopic algae, everywhere found in visible and in in visible suspension in sea water, and there found it enough to amount to 0.0025 milligrams to the liter.

Sea water then is claimed to be the veritable bouillon of arsenical culture, as it is the great generator of the lower forms of animal life. And sea water, aside from "Plankton," contains traces of dissolved arsenic partly organic.

The sea takes it from eruptive rocks and dissolves it and diffuses it; marine plants, as well as fishes, take it up and transmit it to man and animals.

M. Gautier has found 0.06 milligrams of arsenic in 100 grains of granite.

The provision of arsenic on the earth's surface is something enormous and abundant for the consumption and use of living beings, who also constantly restore it.

Land plants take it from the soil formed by the debris of old rocks, and pass it on to other plants and to animals, when it has once entered the living organism it localizes itself in certain groups or organisms.

It is not abundant in the tissues, like nitrogen, but it is there and plays its part, and an important part like phosphorus.

M. Capitan says that the old physicians who prescribed arsenic, as they thought to tone up the system, did good without knowing it; they were restoring to the system and to the organism one of its necessary constituent principles of which it stood in need.

This subject is submitted to our chemists for study and consideration, and contributions are desired upon it.

Professor John Phin took part in the discussion and will contribute to it, and an invitation is extended to all chemists to contribute to the study of the subject.

MEMORIAL OF SELECT COMMITTEE OF THE MEDICO-LEGAL SOCIETY.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW YORK.

Gentlemen:—The undersigned, a Select Committee of the Medico-Legal Society of the State of New York, are directed to submit to your honorable body, a memorial urging the expediency and propriety of the abolition of the office of Coroner.

We respectfully submit a copy of the Resolution unanimously adopted by this Society at its meeting held December 18, 1902:

"Resolved, That it is the sense of the Medico-Legal Society that the Coroner and his jury are obsolete, and that they should be abolished; and that a Committee, of which the President be a member, be appointed to memorialize the Legislature in favor of the necessary legislation to carry these resolutions into effect."

We respectfully recommend—

That the office of Coroner, as it now exists especially in Greater New York, be abolished, and the Coroner's jury.

That a new officer, to be styled the Medical Examiner, be created to take charge of the medical side of inquiries, inquests or examinations in all cases where death has occurred by violence, or where there is reason to suspect that death is not due to natural causes, before either a competent judge, or before a Coroner, if the office is retained, as under the Massachusetts system.

That only persons learned in the law shall be eligible to the office of Coroner, if that officer is retained, who shall have charge judicially of all legal questions, and that the hearings and inquests and proceedings shall be conducted as such proceedings are now conducted before the Police Magistrates in the City of New York without a jury, and in all other cities of over 100,000 inhabitants, and before Justices of the Peace in all counties of the State, except New York, King and Erie counties.

That this Committee favors the Elsberg Senate Bill for Greater New York, except as to the manner of appointment of the Medical Examiners. The present Board of Health might make good appointments, but it would be impossible in our opinion, to avoid partisan political considerations controlling such appointments in the future. It should be vested in the Supreme Court under careful restrictions, which would prevent the possibility of improper selections. The present laws provide for a Health Officer in cities and towns. The Health Department should co-operate with, but not control the Medical Examiners or the Police Magistrates.

That the Medical Examiners be appointed by the Presiding Justices of the Appellate Division of the Supreme Court in each county in the several departments of the State; that only physicians of at least five year's practice, shall be eligible to such appointments, and the same to be made without regard or reference to partisan or political considerations; and your memorialists will ever pray.

March 2, 1903.

Respectfully submitted,
CLARK BELL, Chairman,
R. OGDEN DOREMUS, M. D.,
JACOB F. MILLER,
ABRAHAM H. DAILEY,
HUBBARD W. MITCHELL, M. D.,
MORITZ ELLINGER,
G. BETTINI DI MOISE, M. D.,
J. MOUNT BLEYER, M. D.,
Committee of the Medico-Legal Society.

SELECTIONS.

UROTROPIN IN TYPHOID BACILLURIA.

Mark W. Richardson, M. D., read a paper at the Boston Medical Library, December 15, 1902, from which we make the following extracts:

"As to the use of urotropin—this drug has been used by eight observers in fifty-three cases. All the reports have been favorable except that of Gwyn, who found that, in two cases of cystitis due to the typhoid bacillus, the organisms persisted, though in much diminished numbers, in spite of a long-continued use of urotropin. Gwyn prefers irrigation of the bladder with corrosive sublimate 1-50,000."

"In urotropin we have a drug which will, in the vast majority of cases, remove the typhoid organisms from the urine, not only in the cases of simple bacilluria, but also in those in which a cystitis has resulted. Very rarely an obstinate cystitis may require the use of vesical irrigations. Very infrequently a case will be seen in which the use of urotropin is followed by hematuria. In such cases the drug should be omitted and irrigation of the bladder instituted.

"This subject in its relation to the public health is of the utmost importance. In my opinion it should be a fixed rule, and one rigorously enforced, that no typhoid convalescent be discharged as well until his urine has been proved permanently free from bacilli. In large hospitals, with their well-equipped laboratories, such supervision can be carried out with ease. Cases in private practice should be the care of the local boards of health. In this way only can we prevent a considerable percentage of our typhoid convalescents from becoming unsuspected foci for the further distribution of the disease.

"Dr. F. C. Shattuck stated that for several years it has been his routine practice, alike in hospital and in private, to give his typhoid fever patients 8 to 10 grains of urotropin three times a day, for two days in every week, until convalescence is completed. This obviates all danger from the urine and has never produced any untoward symptoms."

JOURNALS AND BOOKS.

TRANSLATIONS OF THE MASSACHUTUS MEDICO-LEGAL SOCIETY, Vol. III, No. 4, 1902. Published by the Society, Boston, Mass.

A most interesting number of the leading papers read before the Society, it contains: "The Erickson Murder, by F. H. Baker, M. D., Medical Examiner at Worcester, Mass.

There was a conviction of murder in the second degree and he was sentenced for life. It was committed by a robber in the act of robbing. The evidence was purely circumstantial, but the accused did not take the stand or establish an alibi. No one saw him and Chief of Police Stone, of Worcester, worked out the connecting links of the chain of wholly circumstantial evidence.

It was a conviction based on purely circumstrntial evidence. The homicide was in 1900 and the trial was in February, 1901.

ON THE ESTABLISHMENT OF MEDICO-LEGAL DIPLOMAS. By Wyatt Johnson, M. D., of Montreal, Canada.

This paper was read in June, 1901. Dr. Johnson was at the International Paris Congress before the Medico-Legal Section in 1900, and he urges the necessity of having Medico-Legal experts selected and qualified by education and special selection, and urges the example of Germany and France in this respect giving the preference to the new French System, vide Bulletin Paris Faiculty of Medicine, February, 1900, for Prof. Bruardel's report. The untimely death of Dr. Wyatt Johnson, in 1902, has prevented the subject coming up here, though McGill University, in November, 1900, through Dr. Johnson and Prof. Geo. Wilkins, adopted substantially the French plan and Dr. John Draper, of Harvard, has favored the system and followed it.

It should be taken up by all the Medical Schools where Forensic Medicine is taught.

MEDICO-LEGAL EXAMINATION OF BLOOD STAINS. By Edward S. Wood, M. D.

"The Serum Test for Blood," by E. S. Wood, of Harvard, and notes on the Production of Test Serum in Rabbits, by Prof. W. F. Whitney, of Boston.

These are papers of high order and great value, and will be brought before the Medico-Legal Society soon, as these subjects are now under investigation and one or more of these papers, or other papers from these authors, will appear in this Journal.

Dr. D. W. Swan, Medical Examiner, of Cambridge, Mass., contributes a paper on "A Case of Attempted Criminal Abortion in Extra-Uterine Fetation" of considerable medico-legal interest, and Dr. Dr. Geo. A. Hough, Esq., of New Bedford, contributed an interesting paper on "The Relation of the Press to the Medical Examiner."

Mr. Hough is an Editor, and he addressed the Medical Examiners of Massachusetts from the jourualistic view.

He gives an example of the inefficiency and inexcusable blunders of the police officers, citing an aggravated case where a drunken brute, who killed a woman in New Bedford, escaped by neglect of a high police official to attend to the necessary precuation of the expiring woman's ante-mortem statement.

CONTINUITY OF LIFE—A COSMIC TRUTH. By Prof. W. M. Lockwood, of Chicago, Ill. 1902.

Prof. Lockwood, in his brochure, starts out with the assumption that the Atomic theory of matter is false and unreliable; that the Molecular theory is the only safe one to follow, and that "Nature is infinitely spiritual in all her elements and forces;" that spiritual elements enter into and comprise the structure of matter; that matter, in all its forms, is infinitely spiritual, and that all relations existing between elements of forces of matter and forces of life, are Psychic as well as Molecular.

He claims that matter possesses, inherenrly, poles of attraction and repulsion, in accord with the electro-magnetism of the earth, which he calls *polarity*, which lies at the base of molecular action.

This view is not in opposition to the claim of those who assert that all molecules are in constant action in the organization and structure of matter, and that as applied to molecular formation and creation, there is no such condition as *rest* in matter, the molecules of which are in constant, unceasing and unending motion.

The illustration Prof. Lockwood uses with most effect is the kernel of corn, in its careful analytical study, its planting, growth, fruitage and phenomena, as bearing on the spiritual part of the product of the kernel planted as a seed.

Prof. Loeb's experiments with the unfertilized eggs of sea urchins and star-fish are quoted as demonstration of the reproduction of young of the species by chemical fertilization, without impregnation by the male as in nature, as evidence of a new and undeveloped chemical theory of life.

Nearly one half the work at its close is devoted to Spiritism, or Spiritualism comparing modern Spiritism with the similar phenomena of the ancients, Rome especially, and that of the Sibilline mysteries, the early Roman church and other religious sects of primitive eras, with those of Buddha and the early Roman Catholic church.

He compares modern spiritualistic force with recent discoveries in electricity and the phenomena of the X-ray.

Of Thought Transference he says: "No scientific truth has been more thoroughly established than this."

"Thought sent by volition has been as accurately received and registered by people thousands of miles from the sender of the thought as any ever sent by any line of telegraph."

As to Continuity of Life, however, he does not rely on the Bible or "spirit tests," so called, or human testimony. He says, "There is not a particle of proof of the continuity of existence to be found in either the Protestant or Douay Bible, or in any volume of sacred writings known." He says, "Jesus did not teach immortality for the race of mankind. St. Paul gives more consecutive testimony of a state of spirit existence than did Jesus and his disciples." And he continues:

"None of this testimony or evidence is proof of continuity of life."

"Human opinions, however uniform, cannot be taken as the criterion of truth. Let it be written on every human intellect that the phenomenon of any reaction in cosmic process, or the mental relations of the spirit world cannot be proved by mere beliefs and opinions, for the reason that proof of any cosmic phenomenon *is to be found only in the analysis of the principles of nature upon which the phenomenon is based, and through which inter-relations it is expressed.*"

In these views Prof. Lockwood will perhaps find a divided following among his co-religionists.

Human evidence is received as of value and weight in all our courts, to establish facts. All our decisions are based upon the application of law to facts established by human evidence.

If spirits can communicate with the living, the immortality of the soul can be proved by human evidence.

Mere opinions of men are of course nothing, but a fact is a fact, and is susceptible of proof by living witnesses.

Many who agree with Prof. Lockwood on the continuity of life after the portal we call death has been passed, believe that the soul endures

and that we are near the day when the demonstration of the immortality of the soul can be demonstrated, beyond even doubt or cavil, by living witnesses.

The example given at pp. 201–202, of the message respecting the death of Prof. Happ, as that received by Mr. E. A. Bennett through Mrs. Etta Wresdt in 1898, from Jacob Eaghton, of his death by suicide, p. 203, show the possibility of evidence demonstrating the continuity of life.

Every judge or lawyer can conceive of evidence of this character that would not be opinion merely, but evidence of such a value as to demonstrate the fact that the spirit of the departed had found a means of communication with a living person, which would be proof and demonstration and not mere opinion.

The work is interesting and presents the subject in new lights. There is no publisher's imprint on the work, but it can be had at 40 Loomis street, Chicago, Ill.

THE CANADA LANCET, Toronto, Ontario. John Ferguson, M. A., M. D., Editor.

Dr. John A. Davidson contributes an interesting article entitled "Notes on Examinations for Life Assurance," a paper read before the Medical Association of Toronto June 4, 1902, to the February number of this monthly.

In the March number Judge MacDougall's address, delivered last June before the Ontario Medical Assocsation, on "Expert Medical Testimony," is given at length.

It is a good omen for the Bench to address the Medical Societies on Medico-Legal subjects.

MY LIFE IN MANY STATES AND IN FOREIGN COUNTRIES. By George Francis Train. D. Appleton & Co., publishers, New York. 1902.

D. Appleton & Co. ought to rank high as publishers, as they deservedly have many years, but we doubt if they ever did a more clever stroke of diplomatic literary work, viewed in its commercial aspects solely, than in this publication, and the enormous amount of free advertising they have secured for it, almost without asking, from the American journalists, and we presume it will run the same course in foreign lands, especially English speaking countries.

Mr. Train's personality is so peculiar, so uniqne and *sui generis*, that the work, before it came out, on the mere announcement of the publishers, was heralded everywhere.

It was announced as a feat—an example in literary athletics.

He was to write a 350-page book, from preface to finis, in 48 hours, in the seveuty-fourth year of his age! Would he do it? Could he do it? was the journalistic query echoed everywhere.

If there is one thing more than another that would arouse George Francis Train from that long trance-like silence of years, it would be a summons from such a house as D. Appleton & Co., through such a man as their Mr. Halsey, to do an impossible literary feat.

Did he do it? Certainly; of course. He never failed in a supreme effort, and the "impossibility of the thing" is what caught his eye.

We have seen a great many books brought out, and notices by the press when they came out, but nothing comparable to this.

It was more marvellous than the idea of the book. It was the personality of Train and the genius of Halsey who designed and carried it out for the Appletons, that made its advent run like wildfire throughout newspaperdom.

Journals in all the cities from Maine to Los Angeles gave it and Train a column that could not have been bought, for cash, for thousands of dollars.

No book we have ever seen brought out had one-tenth in amount of such gratuitous and splendid notice.

To cap the climax, D. Appleton & Co. asked Mr. Train to review his own book.

In this book, in its last chapter (XYVIII), which contains nine and one-half pages of small pica type, double leaded, of about 290 words to a

page, and which, being the home stretch in his race against time, must have taken him, at the schedule time of seven pages for an hour, something like one hour and twenty minutes to dictate to the stenographer, he gives a detailed account of his three journeys around the world, in eighty, sixty-seven and sixty days each, in 1870, 1890 and 1892.

Being on the home stretch, under high pressure, it is more than likely from both inclination and force of habit he would break his own record, and he doubtless did it in one hour.

The book is almost as phenomenal as is Mr. Train himself.

It should be read as a book written under such conditions.

His earlier works show great intellectuality and variety.

Here is a study for Dr. I. N. Love, of comparison between the vigor of his earlier works and this production of forty-eight hours dictation in his 74th year, and he might find it difficult to find any loss of vigor in his style in such a contrast.

PHILADELPHIA MEDICAL JOURNAL. The March 7, 1901, number of this valuable journal contains a very valuable contribution entitled "The Ductless Glands, and Their Relation to Disease and Therapeutics," by Dr. Chas. E. de M. Sajous, M. D. of Philadelphia, being the result of over fourteen years observation, of the greatest value.

The most important part of this valuable paper, from our standpoint, is that upon "The Functions of the Leukocytes," from which we make some extracts:

"What is the nature of the substance submitted to oxidation by the adrenoxin of the plasma? Strange as it may seem, the white corpuscles we found to play the leading part in this connection. While the red corpuscles proved to be mere storage-cells, calculated to take on a load of adrenoxin and carry it to all parts of the organism, the investigation showed that the white cells were the seat of a complex process, their function being not only to gather from the gastro-intestinal tract the proteids, hydrocarbons, minerals, water, etc., required by the various cellular colonies of the body, but to convert them into the final products ultimately to be oxidized in the various organs to which they carried them.

The structure of the white corpuscle or leukocyte was first studied, beginning with the mitoma or net-work of threads or fibres with which each cell is permeated. With the aid of experimental evidence recorded by Gulland[34], Stokes and Wegefarth[35], Wynn[36] and others, and the confirmatory evidence afforded by staining methods, we were able to ascertain that these intracellular fibres were, in mature leukocytes, not mere protoplasmic threads, as generally believed, but minute channels or canaliculi for bloodplasma and granules. Hankin, ten years ago, advanced the view that acidophile granules were secretory products destined to be secreted into the blood or lymph; Kanthack, Hardy and Keng have taken much the same view. Our conclusion that the fibres were minute channels thus found itself doubly controlled, since the granules are located along the fibres and increase in size from the centre toward the periphery. Evidently we were dealing, as regards the granules, with products formed in the cell itself and gradually forced centrifugally toward the surface, to be dealt out as needed.

The manner in which leuckocytes ingest various substances is well known, especially since the investigations of Metchnikoff into the phagocytic properties of these cells. We were led, by the fact that the network of fibres had proved to be canaliculi, and a study of the data published by this distinguished zoologist concerning the digestive process in lower organisms, to recognize an inter-*canalicular* absorption process. Thus, leukocytes could not be said only to ingest materials by projecting pseudopodia, *i. e.*, by "unfolding" or "inglobing," but this act proved to be limited to the indigestion of solid or semisolid bodies, fluids being

34. Journal of Physiology, Vol. XIX, 1903.
35. Bullerin of Johns Hopkins Hospital, Dec. 1897
36. Journal of Anatomy and Phisiology, April, 1900.

taken in by simple obsorption—through their protoplasm or by a process similar to that observed in some of species of sponge in which the cylindrical cells of the endoderem keep up a continuous passage of water through the sponge substance. This is an important feature of pathology, since it is mainly through such a mechanism that alkaline salts penetrate into tne cell substance of the nucleus.

The plasma and its adrenoxin were thus traced from the surface to the nucules, the cell's laboratory, which also proved to be supplied with a netwoak of plasma-channels or canalicui. But it was here that we obtained a first inkling of the vital process, for the plasma was found, with the aid of staining methods, to contain adrenoxin, rich in oxygen. Nuclein, the main component of the nuclear substance, contains, as is well known, nearly ten per cent. of phosphorus Oxygen laden plasma, brought in contact in the nuclear canalucli with phosphrous-laden nuclein, offers precisely the conditions necessary for the liberation of considerable energy. Indeed, Pfluger[37], referring to the photogenic rognas of lightning-bugs, says: 'Here, in the wonderful spectacle of animal phosphorescence, Nature has given us an example that shows where the taper burns that we call life. . . . It is certainly no rare exception, but only the special expression of the general law, that *all* cells are burning continually, although with our corporeal eyes we do not see the light.' "

"The manner in which leukocytes were supplied to the intestinal canal and returned to the circulation, and their itinerary in the bloodstream, then had to be ascertained. Lymphocytes and hyalines having proved fully entitled to the position generally accorded them, *i. e.*, that of immature leukocytes, the three main cells distinguished by Ehrlich, the neutrophiles, eosinophiles and basophiles, were studied.

Neutrophile Leukocytes. These cells are so well known, constitute about three-fourths of the blood's white corpuscles, and simultaneously, Metchnikoff's main group of phagocytes. Phagocytosis merely means the power to ingest and digest; wherever, therefore, phagocytic cells happen to be, they ingest and digest whatever substance, solid, semisolid or fluid, for which they may possess what has been termed 'chemotaxis ' Foodstuffs, bacteria, and toxins are equally attractive to them unless satiated."

"What are the functions of neutrophile leukocytes? The physiological process through which food products leave the intestines and are distributed throught the organism is quite unknown, as we have just seen. Conversely, leukocytes, in the light of the data we have just submitted, plainly showed their ability to satisfy the needs of the problem, and to account for the proximate and remote phenomena connected therewith. They are evidently capable of ingesting various substances, since neutrophiles include the only two wandering phagocytic cells recognized as such by Metchnikoff, the polymorphonuclear and mouonuclear leukocytes. They evidently ingest proteids. Even the end-product of each cell, *i. e.*, the granules, attest to this fact. Sherrington had suggested that they might be 'of nucleoproteid nature:' Milroy and Malcom[w5], after chemical analysis of the granules, supported the view that they are composed of a 'complex proteid substance.' The origin of the peptones, found in these cells thus became a normal consequence of their role in the intestine."

This same number contains an Editorial entitled "Age and Its Possibilities," from which we quote :

"We speak of this as the age of the young men. It is the custom in the English army to get rid of the older officers and promote the young men rapidly, because it is supposed that they are more efficient. It not unfrequently happens in medical schools that the younger man is given preference over the older one whose work has entitled him to the position, simply because the younger man is supposed to be worth more to the institution, on account of the greater amount of original work that he is likely to perform. Indeed, it has been said that unless

37. General Physiology; by Max Verworn, Transl. by P. S. Lee, 1899.

a man makes his mark before thirty-five years of age, he is unlikely to achieve much afterward. Age, however, is merely a relative term. It has been said often and is often forgotten, that one man is young at eighty, whilst another is old at thirty. There are so many illustrations that can be cited of green old men that it seems useless to lay stress upon this point. And yet, when we think of Kolliker and the enormous amount of original work that has appeared in his Gewebelehre, we must pause before vaunting too enthusiastically the advantages of youth. Another remarkable illustration has recently been furnished by Von Kupffer. O. Hartwig requested him to write the article upon the development of the central nervous system for his new Handbuch der Entwicklungsgeschichte des Zentralnervensystems. Von Kupffer undertook it, providing he was permitted to write the article as a result of his own original and independent observations. He was then 70 years old. In order the better to carry on his work, he resigned his teaching position in the University, spent five hours every day in the Anatomical Institute, and then devoted all his afternoons and evenings until midnight to his library and desk. He took no summer holidays, and was unremitting in his efforts. In two years the work was completed. It contained nothing old, nothing previously used, and discussed authoritatively all the questions then of the greatest interest to science. There are few young men who could have accomplished nearly as much; few young men would have had the moral courage to neglect all other things for the one piece of work that they had undertaken. Let us not, therefore, speak too slightingly of the abilities of many years."

No young man of thirty-five could have produced the work Von Kupffer did.

It demanded not only the physical strength to do the work, but the experience and the knowledge to do it.

Von Kupffer's work was not a collection of what other observers had written, and which the young man of 40 or 50 could have collaborated, but it is an original work, based on knowledge and experience, and is of enormous value.

Virchow's last days, the half century after he was 30, were incomparably of greater value to man and to science than anything he could have done at thirty-five.

Capacity for work is not a matter of age.

Gladstone at 35, and Gladstone after he passed seventy, were almost incomparable.

The literary work of Luther R. Marsh and his intellectual vigor between 80 and 90 excelled his condition from 40 to 60.

Dr. A. N. Bell, the veteran editor of the Sanitarian, shows no trace of abatement in his intellectual vigor, and he is past eighty.

We know of men who are old at 45 or 50, and we know scores of men in literature, at the bar and in the medical profession, who do not reach their highest plane of capacity for labor till past sixty.

It is a question not of years, but of capacity for intellectual labor, and it must be, or usually is, accompanied by that joy in one's work, which underlies the efforts of our most successful men.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

ADDISON W. BAIRD, M. D., 239 West 70th Street, New York. Thirty Pictures. Tuberculosis—Communicable, Preventable, Curable. 1903.

REPORT OF THE CONNECTICUT HOSPITAL FOR THE INSANE, for the two years ending September 30, 2902.

FIRST BIENNIAL REPORT OF THE STATE BOARD OF HEALTH. Seattle, Washington. 1902.

ELIZABETH BLACKWELL, M. D. Essays on Medical Sociology. Vol. I. London, Ernest Bell. 1902.

BULLETIN No. 75, COMMONWEALTH OF PENNA. Tuberculosis of Cattle and its Repression. Department of Agriculture. 1901.

SIXTEENTH REPORT OF THE STATE BOARD OF HEALTH OF NEW HAMPSHIRE. 1900–01.

MANUAL OF INTERNATIONAL CLASSIFICATION OF CAUSES OF DEATH. Census Office, Washington, D. C. 1902.

OHIO CENTENNIAL SYLLABUS. 1903.

NINETY-SEVENTH ANNIVERSARY CELEBRATION OF THE NEW ENGLAND SOCIETY. December 22, 1902.

THE TRAINED NURSE AND HOSPITAL REVIEW. 1903.

THE WISCONSIN MEDICAL JOURNAL. Arthur J. Patek, A. M., M. D., Editor. Milwaukee, Wis. Vol. I, No. 1, January, 1903.

THE MAIL ORDER JOURNAL. Vol. VI, No. 3, February, 1903.

JOURNAL OF THE SOCIETY FOR PSYCHICAL RESEARCH. Published by the Society, London. Vol. XI, No. 146, February, 1903.

JOHN H. LOWMAN, M. D., Cleveland, O. "The Conflict with Tuberculosis.

NEW JERSEY COURT OF ERRORS AND APPEALS. J. Aspinwall Hodge *et al.*, plaintiffs, vs. U. S. Steel Corporation *et al.*, defendants. Opinion. November Term, 1902.

REPORTS OF THE TRUSTEES AND SUPERINTENDENT OF THE BUTLER HOSPITAL at its Fifty-ninth Annual Meeting, Providence, R. I., January 28, 1903.

A CATALOGUE of Second-hand Law Books and Legal Portraits. Sweet & Maxwell, Ltd., 3 Chancery Lane, London.

A CATALOGUE of Engraved Portraits of British Judges and other Eminent Lawyers. The Kelly Law Book Company, Ltd., London, W. C.

THOS. GOLD FROST, PH. D. The "Law of Guaranty Insurance." 1902.

MICHIGAN LAW REVIEW, January, 1903. Vol. I, No. 4. Ann Arbor, Mich.

THE REGULAR MEDICAL VISITOR. Geo. Howard Thompson, M. D., Editor. Vol. III, No. 12, December 15, 1902. St. Louis, Mo.

CYCLOPEDIA OF LAW AND PROCEDURE. Vol III. American Law Book Company, 1902.

FORT WAYNE MEDICAL JOURNAL MAGAZINE. Vol. XXIII, No. 2. February, 1903.

THE HUMANITARIAN. 53 Chancery Lane, London, W. C. Vol. I, No. 2. January, 1903.

INTERSTATE MEDICAL JOURNAL. Vol. X, No. 2, February, 1903. St. Louis, Mo.

THE ECLECTIC REVIEW. Geo. W. Boskowitz, Editor. Vol. VI. No. 2, February, 1903. Published by the Eclectic Medical College, N. Y.

JOURNAL OF THE AMERICAN CHEMICAL SOCIETY. Vol. XXV, No. 2.

J. B. MATTISON, M. D., Brooklyn, N. Y. The Mattison Method in Morphinism. N. Y., 1902.

MUNICIPAL JOURNAL AND ENGINEER. Vol. XIV, No. 2. New York, February, 1903.

Add to Journals, Books and Pamphlets received.

THE JOHNS HOPKINS HOSPITAL REPORTS. Vol. X, Nos. 6 to 9. Baltimore, 1902.

TWELFTH ANNUAL REPORT OF THE NEW YORK KINDERGARTEN ASSOCIATION. June, 1901 to June, 1902.

PROCEEDINGS OF THE DAVENPORT ACADEMY OF SCIENCES Vol. VIII, 1899–1900.

AN AMERICAN ISTHMIAN CANAL AND THE CHOICE OF ROUTES. Speech of Hon. John T. Morgan of Alabama, April 17, 1902.

ANNVAL REPORT OF THE BOYS' CLUB. 26th Season, 1902. Francis H. Tabor, Superintendent.

METAL MINER, Vol. III, No. 1, January, 1903. Minneapolis, Minn.

OUR TRADE WITH SCANDINAVIA, 1890–1900. Buletin No. 22, of U. S. Department of Cultivation.

REPORT OF THE COMMISSION APPOINTED TO CONSIDER THE QUESTION OF A STATE SANATORIUM FOR CONSUMTIVES, Concord, N. H., 1902.

32ND ANNUAL REPORT OF THE CENTRAL HOSPITAL OF VIRGINIA for the year ending September, 1902.

THE BROADENING OF PURITANISM. Third Annual Sermon preached before the New England Society in New York, December 21, 1902.

LIGHT—Its Therapeutic Importance in Tuberculosis as founded upon scientific researches. By J. Mount Blayer, M. D., October, 1902.

THE PHILIPPINE ISLANDS 1493–1803. The Arthur H. Clark Co., Cleveland, Ohio.

TO MAINTAIN THE GOLD STANDARD, etc. Report No. 1425 of the House of Representatives, 57th Congress.

DISEASES OF THE RECTUM. C. Wellington Fitch, M. D.

THE MODERN TREATMENT OF TUBERCULODERMATA. By Noah H. Oronstam, M. D. Ph. G., Detroit.

NORTHWEST MEDICINE. Vol. I, No. 2, February, 1903. Seattle, Washington.

MAGAZINES.

THE DRAMATIC MIRROR. The March 7, 1903, number is before us. Harrison Gray Fiske, its editor and sole proprietor, is keeping on in his old way, and the Journal stands in the front of the Dramatic publications of the time.

The leading portrait in this number is of Augustus Phillips, and it is an excellent portrait and admirably presented.

THE JOURNALIST. Allan Forman at the helm of the Journalist makes it swing. It has as a feature a good portrait of some good fellow on its outside sheet each issue.

The January number has a capital head of Hillary Bell who has distinguished himself as a dramatic critic, and now sends a syndicate of weekly letters to a cotorie of smart journals, and has at the same time won a name in finance and insurance as an officer of the Mutual Reserve Fund Life.

The February number gives a splendid reproduction of Capt. Jack Crawford, of the Klondyke, known as the Poet Scout, as we saw him lately at the Press Club, and the March number, one of Samuel P. Weston, one of the rising journalists of the North Pacific Coast, now of the Seattle Post Intelligencer.

And now the Press Club is going to give a dinner this month to Allan Froman himself, which is a fair tribute to a good fellow and an able and industrious editor.

CURRENT LITERATURE for March has an elegant portrait, full length, of Mrs. Humphrey Ward for its frontispiece. It contains an admirable abstract from Prof. J. G. Adams' article read before the American Congress of Tuberculosis from the Medico-Legal Journal entitled "Tuberculosis and the Live Stock Indusiry."

"A Haunted House" is copied in this number from the Washington Star. We advise Mr. Bryan G. Hughes, who advertises on behalf of the XIII Club, to get the number and street of this house in Washington, if he will go to the National Capitol to pursue his researches, and to study current literature under its heading "Unusual Ghastly Superstitious."

The March number is unsually excellent in its selections.

LADIES HOME JOURNAL, Curtis Publishing Company, Philadplphia. The March number is one of exceedingly good quality.

John Whitcomb Riley contributes four new poems for children, and it is doubtful if he ever wrote four better ones in a group.

Maxfield Paris has a full page illustration of Eugene Field's poem "The Little Preacher."

Edward Bok has endeavored to tell "The truth about Queen Wiclhelmina."

Mr. Elbert Hubbard speaks of the effort as a failure by reason of Bok's mental characteristics, but Hubbard may be prejudiced. His recent experiences with woman may have soured and embittered his mind.

And Fra Alburto is furious because the Ladies Home Journal admits Mrs. Margaret Bottome's "Heart to Heart Talk" to its columns, on which he claims a patent and copy wright, and talks about injunctions and says he has filed a caviat.

THE MUNSEY for March is the best number I have ever seen. The illustrations are of a very superior order and Mr. Munsey's address on Journalism delivered at Yale University on January 12th last, in the Isaac Bromley lectureship course is one of the best things in the number.

My old friend, Ike Bromley would find no fault with Mr. Munsey's treatment of the subject if he were here to criticise it. Nor would he regret that the course was founded.

THE REVIEW OF REVIEWS for March, 1903, is along its usual lines of high excellence. In the progress of the world this journal grapples with the leading questions of the hour with great ability.

The first Parliment in Australia with its group of prominent Australians in and out of office is full of interest.

Ten portraits are given of the Government of Victoria described as a typical group of Australians.

The issue is one of great interest and the illustrations are of great value.

THE YOUTHS' COMPANION, Boston, Mass. Last November this journal sent out an announcement number in which the leading article was from the pen of Theodore Rosevelt, written in 1900, on "The Presidency" and written before he could have thought its duties could ever fall on him. It is now of great public interest and the journal is sending out duplicate of it as sample and offers to send their weekly for ten weeks for 25 cents to any one. It is a good offer.

THE ALKALOID CLINIC is one of the boldest magazines and advanced Medical Journals in the United States. We greatly admire its courage and usefulness in treating in its columns in a broad way questions of great human interest to most men and women that the majority of Medical Journals could not dare to discuss. The March number is before us and is a good example of the lines of usefulness this journal has marked out and we are glad to see that the public and the medical profession appreciate such a journal.

THE AMERICAN LAWYER, Gerald Chapin, Esq., L. L. D., Editor. The February number of this valuable journal is on our table and has a very strong editorial column. Among the articles contributed in this number are the following:

"The Supreme Court Dilemma," by Simon Fleischmann; "National Incorporation and Control of Corporations," by Walter S. Logan; "Mr. Justice Holmes," "a Judge with Imagination," by Mitchell D. Follansbee; "Boston's First Lawyer," and "Oldest of Law Books."

THE VERMONT MEDICAL MONTHLY. The December number of the Vermont Medical Monthly announces the appointment of a State Tuberculosis Commission, of which Dr. Don D. Grout, of Waterbuary, is made President, and Dr. H. Edwin Lewis, of Burlington, Editor of the Vermont Medical Monthly, is made Secretary. The remaining members are the Hon. Henry Ballard, of Burlington, a lawyer of high position in Vermont and a member of the Executive Council of the Vermont Society for the Study and Prevention of Tuberculosis. Dr. L. W. Hubbarb, of Lynden, Vermont, President of the Caledonia County Medical Society of that State and a member of the State Legislature of 1902. Dr. James Conland, of Brattleboro, one of the leading physicians of the State is an other member of this Commission. The same number announces the re-appointment of Dr. Henry D. Holton, of Brattleboro, as a member of the State Board of Health of that State for six years. Dr. Holton is one of the leading sanatarians in this country and Vermont honors herself by his election. He has also been re-elected Secretary of the State Board of Health. Dr. C. S. Caverly, of Rutland, is re-elected President of the State Board of Health, and Dr. T. R. Stiles, of St. Johnsbury, Treasurer. No State in the American Union has given more attention to the subject of Tuberculosis, nor more active efforts for its prevention than Vermont. Dr. H. Edwin Lewis, the Editor of the Vermont Medical Monthly and Chairman of the Committee on Museum is taking a very active interest in the work in that State.

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ERRATA TO VOL. XX.

The statements in Editorial, at page 108, were utterly erroneous and made under a misapprehension. The basis of organization was not before the editor when the statement was made.

The Governing Council as reported and adopted was to consist of nine members. The President and First Vice-President were ex-officio members of the Council as submitted. By an amendment adopted unanimously the Secretary and the Treasurer were made ex-officio members of the Governing Council. None of the Vice-Presidents except the First Vice-President were ex-officio members of the Council.

The Council has the supreme power of the body and consists of nine members, with four ex-officio members, viz.: President, First Vice-President, Secretary and Treasurer, thirteen members in all.

The President has no authority to appoint members of the Council. Vide pp. 232 and 233, this volume.

Page 167—Title of Dr. M. K. Kassabian, read "member of New York Medico-Legal Society" instead of "Legal Society."

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